

UNCLASSIFIED, COMMITTEE SENSITIVE

EXECUTIVE SESSION

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: MICHAEL SUSSMANN

Monday, December 18, 2017

Washington, D.C.

The interview in the above matter was held in Room HVC-304, the Capitol, commencing at 10:06 a.m.

Present: Representatives Conaway, Schiff, and Heck.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]

[REDACTED]

[REDACTED]

For MICHAEL SUSSMANN:

KATHRYN RUEMMLER, ESQ.

NATALIE RAO, ESQ.

NICK MCQUAID, ESQ.

Latham & Watkins LLP

555 Eleventh Street, NW Suite 1000

Washington, D.C. 20004-1304

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

██████████ Good morning. This is a transcribed interview of Michael Sussmann. Thank you for speaking to us today. For the record, I am ██████████ ██████████ here at the House Permanent Select Committee on Intelligence for the majority. There are also a number of other members and staff present on behalf of HPSCI who will introduce themselves as the proceedings get underway.

But before we begin, I wanted to state a few things for the record. The questioning will be conducted by members and staff. During the course of this interview, members and staff may ask questions during their allotted time period. Some questions may seem basic, but that is because we need to clearly establish facts and understand the situation. Please do not assume we know any facts you have previously disclosed as part of any other investigation or review.

This interview will be conducted at the unclassified level.

We ask that you give complete and fulsome replies to questions, based on your best recollection. If a question is unclear or you are uncertain in your response, please let us know. And if you do not know the answer to a question or cannot remember, simply say so.

You are entitled to have counsel present for you during this interview, and I see that you have brought them with you.

If at this time, counsel could please state their names for the record.

MS. RUEMMLER: Good morning. Kathryn Ruemmler from Latham & Watkins on behalf of the witness.

MR. MCQUAID: Good morning. Nick McQuaid from Latham & Watkins on behalf of the witness.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

MS. RAO: Natalie Rao from Latham & Watkins on behalf of the witness.

██████████ Thank you. The interview will be transcribed. There is a reporter making a record of these proceedings so we can easily consult a written compilation of your answers.

Because the reporter cannot record gestures, we ask that you answer verbally. If you forget to do this, you might be reminded to do so. You may also be asked to spell certain terms or unusual phrases.

Consistent with the committee's rules of procedure, you and your counsel, upon request, will have a reasonable opportunity to inspect the transcript of this interview in order to determine whether your answers were correctly transcribed. The transcript will remain in the committee's custody, and the committee also reserves the right to request your return for additional questions, should the need arise.

The process for the interview will be as follows: The majority will be given 45 minutes to ask questions. Then the minority will be given 45 minutes to ask questions. Thereafter, we will take a 5-minute break if you desire, after which time the majority will be given 15 minutes to ask questions and the minority will be given 15 minutes to ask questions. These time limits will be adhered to, and these 15-minute rounds will continue until questioning has been completed. Time will be kept for each portion of the interview, with warnings given at the 5- and 1-minute marks, respectively.

To ensure confidentiality, we ask that you do not discuss this interview with anyone other than your attorneys. You are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff. And lastly, the record will reflect that you are voluntarily participating in this interview,

UNCLASSIFIED, COMMITTEE SENSITIVE

UNCLASSIFIED, COMMITTEE SENSITIVE

which will be under oath.

Mr. Sussmann, could you raise your right hand to be sworn.

Do you swear or affirm the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MR. SUSSMANN: I do.

[REDACTED] And just a reminder, if you can make sure the green light is on the microphone so the reporter can hear what you're saying.

Mr. Chairman, over to you for opening remarks.

MS. RUEMMLER: I'm sorry to interrupt, Mr. Chairman, but given that Mr. Sussmann is an attorney and he is here in connection with his client representation, there are a couple of things that I need to put on the record. I'll be brief, and apologize to Mr. Schiff and Mr. Heck, who heard a similar version of this last time.

Mr. Sussmann is committed to cooperating with the committee and providing information pertinent to the committee's investigation, but his ability to do so is limited by his ethical obligations to protect client confidences. Under the D.C. Bar Rules of Professional Conduct, it has long been recognized that the attorney-client privilege is an ancient cornerstone of our legal system. It serves an important public interest in protecting communications between attorneys and their clients.

D.C. Rules of Professional Conduct, Rule 1.6, makes clear that a client has a reasonable expectation that information relating to the client will not be disclosed by their lawyer, and that any such disclosure can only be compelled in accordance with recognized exceptions to the attorney-client privilege and work product doctrine.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

Furthermore, under Rule 1.6, when a lawyer is called as a witness to give testimony concerning a client, a lawyer must invoke the privilege when it is applicable, absent waiver by the client. We have conferred with Mr. Sussmann's clients, and they have not waived the privilege with respect to Mr. Sussmann's testimony today. As a result and consistent with these ethical obligations, Mr. Sussmann is obligated not to answer any questions from the committee that intrude upon client confidences and the sacrosanct relationship between the attorney and client.

MR. CONAWAY: Thank you. And, Mr. Sussmann, thank you for being here. We hope that we can craft some questions that you can answer, because we think you've got some information that's important to our investigation.

Adam, comments?

MR. SCHIFF: Welcome. We appreciate your testimony today.

MR. SUSSMANN: Thank you. Thank you for having me.

MR. CONAWAY: All right. We'll start the clock. We'll go first on our side. I've asked Kash to do the questioning.

EXAMINATION

BY [REDACTED]

Q All right. Mr. Sussmann, thanks again for coming in. Could you briefly tell us where you are currently employed?

A I'm a partner at Perkins Coie in our privacy and security practice.

Q How long have you been employed at Perkins Coie?

A Twelve and a half years.

Q And in your current role in the private security practice, give me a brief -- can you give me a brief summary of what that entails?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

A Sure. I came to Perkins Coie after 12 years at the U.S. Department of Justice, and the last 7 of which I was a prosecutor in the Computer Crime and Intellectual Property Section.

So my practice varies from year to year, but it's a privacy/cybersecurity/national security practice. A large bulk of my work is responding to data breaches and working with companies who believe they have not yet experienced a breach, to help them with various cybersecurity matters. I work on the regulatory issues and investigations that follow data breaches, provide general cybersecurity counseling.

And we -- I believe our firm has the biggest practice for compliance with third-party providers, who receive all sorts of legal process. So a big part of our practice are supporting those clients and -- with their subpoenas and court orders and the like.

Q And can you give me a brief summary of your duties when you were over at CCIP AT DOJ?

A Sure. The Computer Crime/Intellectual Property Section is divided into computer crime and intellectual property. And so, I was on the computer crime side. I prosecuted some computer hacking cases. I chaired the U.S. delegation to the G-8 subgroup on high-tech crime. I did various work with the European Commission and other international bodies. And I supported the Criminal Division leadership and the Department leadership on various computer crime/cybersecurity initiatives.

Q Thank you. A few subject areas I'd like to touch upon today with you, Mr. Sussmann, beginning with, you stated that you -- the focus -- and correct me if I'm wrong -- is on data breaches with private companies over at Perkins Coie.

UNCLASSIFIED, COMMITTEE SENSITIVE

Has that work led you to engage with any political parties?

A Yes.

Q Can you tell me which political parties?

A Broadly, the Democratic Party. And through my work, a variety of our Democratic political clients.

Q Okay. When you say broadly, the Democratic party, are you referring to the DNC, the Democratic National Committee, or something else?

A I'm -- the DNC is one of the clients that I'm referring to.

Q Okay. So is it fair to say that you represent the DNC on certain matters that are within your professional purview?

A I have at particular times. I have when the need has arisen.

Q Okay. How did you -- how did that relationship begin with the DNC and your representation of them?

A Most recently, it began in April of 2016, when I was contacted about particular threats that were being considered at the DNC. And although I don't recall specifically, it would have been my practice to similarly respond to questions like that in the past for the DNC.

I don't have a specific recollection of other calls I might have gotten from the DNC, but it's quite possible that there were, over the last decade, other similar calls that might come to me.

Q Let's focus on the April 2016. What brought the DNC to you or what were they contacting you about?

A One of my colleagues at my firm contacted me and said that he -- said that the -- that an IT vendor for the DNC had been in touch with the FBI for some period of time about potential threats to the DNC, cyber threats, and that the FBI

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

had made a request for some data. And he asked if I would speak with the vendor and speak with the Bureau, and then provide advice to the client as to how they should proceed.

Q And you said this was a colleague. Can you tell me who at Perkins Coie requested this or relayed this information?

A Sure. It was my partner, Graham Wilson.

Q Did you, at that point, have a discussion with the Federal Bureau of Investigation?

A At that point or soon thereafter, yes, I did.

Q And what was that discussion about?

A I -- I don't have a specific recollection of the call, but I -- I mean, I remember speaking with the case agent and asking, you know, what the request was and what the background was.

Q How did that call come about? Did the agent call you? Did you receive his information? Do you remember the agent's name?

A So in reverse order, I do remember the agent's name. I don't remember if -- I don't recall, but my practice or the practice would have been that someone would have likely connected us by email, and we would have found a time to connect by phone.

Q What was the agent's name?

A [REDACTED]

Q Thank you. What was that conversation about?

A He told me that for some time, the Bureau had threat indicators indicating that the -- the DNC was -- I don't recall -- I don't recall his specific words, whether he said they were being attacked or exploited or someone was trying to

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

gain access, but there was some nefarious cyber activity being directed at the DNC and that they had been looking at it for a while as part of a larger investigation.

Q Did he, that is [REDACTED], tell you that he tried to or did relay that information specifically to someone at the DNC?

A No.

Q Do you know if that ever occurred, that is, did the FBI ever contact the DNC, that you are aware of, about this possible threat to their infrastructure?

A I know that they had communications prior to my phone call.

Q Okay. Do you know what those communications were about, or the summary of those communications?

A I don't know specifically.

Q Okay. Did you --

A I mean, I wasn't privy to -- I wasn't privy to them. And I guess what would be -- might be helpful to say that before the time when I first heard from my colleague, Mr. Wilson at my law firm, I didn't know any of this was going on.

So it's not like I had -- someone had told me 2 months before, I had been sort of following it. It was a contact out of the blue. And so I don't really have any -- I don't have any personal knowledge of what transpired before my getting involved.

Q That is helpful. So is it fair to say that April of 2016 was the first time you learned of this matter?

A Yes.

Q Through the phone call with the FBI agent?

A Both -- yes.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

Q And through your client?

A Through the contact from my partner and the shortly thereafter ensuing conversation I had with our client and the FBI.

Q So after the conversation over the phone that you had with [REDACTED]

[REDACTED] what was your reaction to the information he relayed to you?

A My reaction was I didn't know -- I didn't know whether there was or was not an intrusion or what the particular activity was, but I thought that our client should provide the data that was being requested.

Q Okay. So did the FBI, at that point, believe that there was an intrusion into the DNC servers?

A I don't recall knowing at that point on that conversation what the FBI knew had or had not happened. I knew they were interested in looking at threats. I don't know -- I don't recall. I also don't know if, at that point, they thought someone was inside the network or they were just looking at attacks, but they wanted log files.

Q Okay. Did they give you a list of information that they wanted, or did they relay that directly to the DNC, "they" being the FBI?

A I believe both and in different form.

Q Such as?

A They didn't provide to me specific requests. They didn't -- I don't recall them giving me a list of log files, but I do recall them describing what it was they wanted.

Q Okay. What was that?

A Well, as I said, it was log files, log files of various kinds of access to the network. And what was important to me in the conversation, I remember, was

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

determining whether or not they wanted any of the content of communications. And they did not.

Q Okay. So just taking that in two parts. Log files, for someone who doesn't really know computers, can you tell me in general what a log file is?

A Sure. Many activities with regard to computer networks are logged, meaning they're recorded. And so, logs are just another way of saying records. And computer networks have routine records that are collected on all various kinds of access to the network.

So an example might be logging all web traffic. A network might log all of the individual users and record what websites they go to. If a network has -- allows remote access, allows employees to go home and use their personal laptop or personal device to access the network, a very common practice would be to keep a record of all of those logs. So, on a weekly or monthly basis, an administrator could look and say -- and see who logged in or tried to log into the network from what particular -- from what particular destination. And depending on how networks are configured, some networks collect a greater volume of more detailed logs. Some networks collect fewer or could even collect none.

Q And -- I'm sorry, go ahead.

A Is that --

Q That's very helpful. So it sounds like that would be a reasonable request from the vantage point of the FBI, if they're informing you about a possible breach into a DNC server.

A Yes, sir.

Q And why is that a reasonable request? What value would that be to the FBI?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

A Well, a computer intrusion by another name is an unauthorized access to a computer network. And the FBI was requesting, in essence, access logs. So those are the kinds of logs that would, or could help the investigator determine who has or has not been accessing a network.

Q So is it fair to say that these access logs would show people who are authorized access to the DNC servers, but people who are not -- who are unauthorized would not be shown on these logs; that is, if it's an inside job versus an outside job, so to speak.

A I don't believe that's the case. I don't -- well, if I understand the question correctly, those logs could show authorized and unauthorized users of a network.

Q Okay. How would they show that?

A Well, because -- how would they show that? They would show authorized users and their activity, and they could show a variety of unauthorized users. So one -- one way in which actors without authorization access a network is they create an identity. They might create a new employee, a fake new employee, but a credentialed employee.

And so you would have logs. And sometimes, one of the ways that, in my experience, companies find that they have an intruder on the network is they'll run a log and say, gee, we have 500 users on the network, but we only have 490 employees. So that's an example of seeing all of these people and determining that some of them are not authorized to be on the network.

Q And then would you be able to -- not you specifically, but, say, the FBI or another entity be able to sort of reverse-engineer that to understand the composition of the gap, that is, the other 10 people that had unauthorized access?

UNCLASSIFIED, COMMITTEE SENSITIVE

A I don't know what the FBI could or couldn't do in these particular circumstances.

Q Do you know if that's possible, from your experience in this field?

A Based on my experience, I know that in some circumstances, logs can be very helpful in finding an intruder, and in other circumstances, the logs are not helpful at all, depending on the methodology used by the intruder, whether an intruder tries to hide his or her tracks and other factors.

Q In the April 2016 phone conversation with [REDACTED], was that your only conversation or communication with the FBI on this matter?

A No.

Q Approximately how many communications did you have with the FBI on this matter?

A Over the course of my involvement in the entire matter, I had many, but I can't really speculate.

Q Well, let's try to put a timeframe on it. So it began in April of 2016. When was your last contact with the FBI in reference to this matter, or communication?

A To the best of my recollection, it was probably October or November. I may have -- I may have had contact with the FBI later in the fall.

Q And when you say October-November, you mean 2016?

A Of 2016.

Q Okay. So it's fair to say that in 2017, you've had no communications with the FBI regarding this matter?

A I haven't, but from time to time I've been copied on emails that the FBI has sent to the DNC. So I've seen -- I've seen emails. Mostly, I don't know, you

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

know, some new agent or some new person is coming in, we'd like to come in and visit with you.

So I'm not trying to be hypertechnical, but I've been -- I've been copied on some emails, but I've not had a -- I've not reached out to the FBI, nor have I had anyone reach out to me on any substance on this matter, to the best of my recollection, ever in 2017.

Q Okay. So going back to 2016, what were your follow-up communications with the FBI in regards to?

A Well, there were many, and they were of different varieties. So they were -- they were just -- there were many different kinds of communications that I would have with the FBI over the course of a computer intrusion or response. So I can -- would you like me to --

Q Yes, that's fair enough. Can you walk me through them, please?

A Sure. These are not necessarily in chronological order, but there probably was an early call -- I'm sure there was -- there was an early call with CrowdStrike, the forensic vendor that we brought in, to coordinate with them and introduce them to the FBI. We had several meetings over the course of my representation with the FBI on this matter with, various times, DNC leadership. I was --

Q So let me ask -- I'm sorry, go ahead. I didn't mean to cut you off.

A I was invited to a meeting at the Department of Justice regarding their criminal and intelligence investigation into the computer hacking, I'm guessing, in probably, maybe, October 2016 timeframe, where there were it could have been ten people there, but included the -- included WFO and the San Francisco office, and various AUSAs from other places.

UNCLASSIFIED, COMMITTEE SENSITIVE

UNCLASSIFIED, COMMITTEE SENSITIVE

And the other -- the other contact that I had -- the other contact that I had was during the course of the Presidential campaign, there were many -- there were many threats, real, perceived, or perhaps otherwise, that were coming into many individuals, parties, people. And I was collecting them, or they were being reported to me as well, and I became a focus to report those to the FBI.

So I had a number of calls where I would be on the phone and, in sort of conference call parlance, would say, hi, WFO, are you there? WFO is here. Hi, is Pittsburgh here? Hi, Pittsburgh is on. Hi, San Francisco is on. And I'd run through a list of physical threats and cyber threats and just sort of reporting in all sorts of incidents. So I had a number of those kinds of interactions.

Q So that's helpful. Taking those in reverse order, when you were invited to meet at the Department of Justice, how did that go about? Did DOJ call you and say, Hey, we're looking into this hack that the FBI has been in touch with you about and it involves the DNC, so we'd like you to sit in, or how does that happen?

A I think that happened in various ways. The first meeting I recall having was with Jim Traynor, who then was the assistant director for cyber; and Shawn Henry and I called Jim to let him know that the story involving the DNC intrusion was going to be publicly reported and to just give him a heads-up and let him know beforehand, and just to touch base.

And we had a very cordial conversation. And on that conversation, either Mr. Traynor offered or asked to meet with us, or we offered and asked to meet with him. I don't recall. But I know -- I remember on that call, we decided that it would be a good idea for us to meet in the near future. So that's the way that meeting came about.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Q Approximately how many meetings did you have with the Department of Justice on this?

A Three that I recall.

MS. RUEMMLER: And just to clarify, is that the Department of Justice separate from the FBI, or are you including the FBI in that calculation?

MR. SUSSMANN: Thank you. Right now, I'm including the FBI and the Department.

BY [REDACTED]

Q Okay.

A Let me further clarify that. Those three meetings, to the best of my recollection, there were two of them that were exclusively with the FBI; and one of them, the one that I just mentioned to you later in October, was a hybrid of FBI and DOJ.

Q Okay, appreciate that. You also stated that there was a meeting between the FBI and the DNC leadership. Do you know approximately when that occurred?

A So there were two meetings I'm referring to. The initial meeting that Mr. Traynor and I set up included myself, Shawn Henry from CrowdStrike, and Amy Dacey (ph), who at the time was the CEO or executive director of the DNC. So that was one meeting.

And then after Congressman Wasserman Schultz left the chair and Donna Brazile became the acting chair, fairly soon thereafter, we went in to meet with the FBI. And by that time, Mr. Traynor had left, and there was a new assistant director. And we went into that -- and that was the other leadership meeting.

Q What was the information you received at these meetings with the FBI

UNCLASSIFIED, COMMITTEE SENSITIVE

and DNC leadership?

MS. RUEMMLER: Can I just clarify something? Were these meetings, were they classified meetings or were they unclassified meetings?

MR. SUSSMANN: The first -- so the first meeting was unclassified. The second meeting was classified.

[REDACTED] Thank you.

BY [REDACTED]

Q So as to the first meeting, what information did you receive from the FBI and/or the DNC leadership?

A At the first meeting, the FBI told us that it was a state-sponsored attack, that the attackers were Russians. They'd been following them for a long time. We talked about what information we had, and we discussed sharing the information that CrowdStrike was collecting with them, developing -- you know, developing, ensuring open lines of communication. Things of that nature.

Q And at the second meeting, I realize Ms. Ruemmler said it was classified, but was there any information that was received to you -- by you from the FBI or the DNC that was unclassified in nature that you can tell us about?

A I don't recall any information that was unclassified.

Q Okay. Over the course of these meetings, did it seem as if the FBI was trying to obtain information about the intrusion itself, or was there a different focus that the FBI had during these meetings?

A And when you say -- I'm sorry. When you asked me if they obtained information, do you mean obtain information from us, or just in the broad sense of their investigation?

Q Both. Thank you.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

A They were -- they were interested in a wide variety of information, and they were interested in both information to support their criminal investigation and information to support intelligence-gathering, and they told me so specifically.

Q And how were they going about acquiring that information from the DNC, that you are aware of?

A Well, when we met with the FBI in June, mid June of 2016, where we met with Assistant Director Traynor, we told the Bureau that they could have any information that CrowdStrike was developing or had, and, in fact, that they could deal directly with CrowdStrike and didn't need to go through me. I mean, they didn't need approval or didn't need any decision-making on it. They should share whatever information they were developing at the time. So I know that sharing was going on.

Q Do you know approximately when that began or when that authorization was issued that the FBI could just go to CrowdStrike or the DNC?

A Well, it was the date of -- it was the date of the meeting. And I believe that that was in mid June. And I could try and determine the specific date and get that to you if that would be helpful. But I don't recall a specific date.

Q If you could, it would be very helpful to do that. That would be great. Thank you.

A So we -- so that began then. And at the DNC, we had daily, sometimes twice daily phone calls 7 days a week just on breach response, a fairly normal practice when you have some sort of urgent breach going on. And so there were various times on those calls when the CrowdStrike representative would mention that he had spoken with the FBI, met with the FBI.

They were sharing this or sharing that. So I was aware in general that they

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

were cooperating, but I wasn't asking about, nor do I think it was being reported to me the specifics about what data they had. So that was one aspect of it.

CrowdStrike eventually delivered to me and our client a report. And I had -- I or we had told the FBI, or they may have just asked if there would be a report. And we told them that when we received a report, we would share the report with them. And we did. I remember the Bureau sending over a messenger sort of the day we had the report for them to pick up.

Q So how did that engagement with CrowdStrike come about? Whose decision was it to retain CrowdStrike on behalf of the DNC?

A So it was my recommendation, but the decision was the DNC's. And --

Q Can you tell me when CrowdStrike was officially retained?

A Sure. So I was contacted on the last Friday in April of 2016. I don't know if it was the 29th or 30th, but it was the very end of the month. And I was asked maybe early in the -- sometime in the afternoon to say, can I get on a call within an hour or shortly thereafter. The DNC believes they found an intruder on the network. I said, sure. I got on a -- I got on this call.

And I learned at that point and for the first time, that we had -- "we," the DNC, had evidence that there, in fact, was an intruder on its network. And on that call, I recommended that the DNC immediately get the services of a security professional; and I also recommended that they retain Shawn Henry and CrowdStrike.

Q Okay. Why Shawn Henry and CrowdStrike?

A Based on my experience, there are a number, but not a huge number of top-quality cybersecurity response firms, and some are better, like law firms or

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

other like -- some have -- some have areas of expertise that are better than other areas.

And I had known Shawn from his time at the FBI. He was a former assistant director of cyber, and then executive assistant director at the Bureau. And I knew the kinds of people that they had there. I knew they did work on APT. So it just was -- it just was -- in the way that you vet people for things, I thought that they would be particularly good. And with my client's permission, I reached out to Mr. Henry, and the engagement happened very soon thereafter.

Q I think you made a statement earlier -- and correct me if I'm wrong -- that the FBI was allowed to have whatever information and access that CrowdStrike would be willing to give them. Is that accurate in regards to the hack?

A Yes, sir.

Q So is it fair to say that CrowdStrike was making the calls on behalf of the DNC on what servers and systems that the FBI could access, pursuant to their own investigation?

A No, sir.

Q What would be an accurate representation?

A Well, CrowdStrike wasn't making the calls on what to -- on what they were doing. We had daily calls with CrowdStrike, and they weren't out on their own sort of off doing their own thing. So decisions about how they were proceeding were things that were discussed with the client, with myself as well.

Q Okay. But who ultimately decided the FBI's access to the DNC servers and information that the FBI needed to conduct their investigation?

A Well, again, I made the recommendation, but someone at the DNC,

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

probably Ms. Dacey (ph), who was with me at the time, agreed that they could have anything -- that, you know, they could have access to anything they needed.

Q Well, do you know if that probably occurred or that actually occurred?

A I know it actually occurred because I was there. I mean, I was -- I was at the meeting with the FBI. Ms. Dacey (ph) was with me. Mr. Henry was there.

Q I'm sorry, when you say Ms. Stacy?

A Amy Dacey I mentioned before --

Q Dacey, thank you.

A -- was the CEO at the DNC.

Q Okay. Continue. Sorry.

A Yes. So we said to the FBI they could have -- there's -- they could have access to anything they wanted to. And I recall offering, or asking or offering to the FBI to come on premises, and they were not interested in coming on premises at the time. But we -- we said we'd make anything available to them.

Q So do you know who you made this offer to at the FBI that they could have access to anything they wanted at the DNC?

A I didn't go so far as to say they could have access to anything they wanted at the DNC, but it was at that meeting in June when I asked if they had any reason to come on premises, which we wouldn't have minded. And they were not interested in coming on premises.

So we told them they could have access to everything that CrowdStrike was developing in the course of its investigation. And I be -- and I recall them -- I recall them bringing to the meeting a written list, maybe in the form of a letter, maybe a two-page list of things that they wanted, which CrowdStrike took, and I

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

know they sort of checked off over time. So it was the Bureau's list of things that they wanted, whatever they were, and CrowdStrike went about getting them everything they could.

Q So CrowdStrike is hired by the DNC to conduct an internal investigation, not to do what happened regarding the hack?

A Well, they're hired -- they're hired to perform all the services involved in a breach response. And so there are a number of components, not just in this -- in this, but in just all the breach work I do. And so part of it always is finding out what happened and, when you can, who is behind whatever has happened; how they were able to obtain access to the network; what they're doing; what's the persistence right now in the network; what are their capabilities; and then developing a plan for remediation that typically would involve kicking out the bad people and rebuilding the network.

It involves some lesser things, like developing off-channel communications, because in a computer intrusion, the intruders typically would have access to your entire network, but including your email servers. So you don't want to be on the network saying, Hey, we found these bad guys, here's our plan to get rid of them.

And in particular, because in the world -- in the kind of work that I do, there's an expression that you only get one chance to raise the drawbridge. And it means when these sophisticated computer intruders, particularly state-sponsored ones, are in your network, if they know that you're trying to get them out of their network, they will work more quickly to erase their logs, to burrow into the network or deploy malware you'd never see, and it's harder to get them out if they know that you're looking for them.

So that's why I always recommend that in dealing with response when

UNCLASSIFIED, COMMITTEE SENSITIVE

intruders are on the network that the people discussing it find an all offline channel to discuss the response.

Q That makes sense. In relation to how the FBI was able to conduct its investigation, did the FBI request directly to the DNC access to all of the servers?

A No, they did not.

Q They did not. Did they --

A Excuse me, not to my knowledge.

Q Not to your knowledge. Fair enough.

Do you know if they had the authority to do so, that is, did the FBI have the authority to go directly to the DNC to request access to all its servers, or did they have to go to CrowdStrike?

A Do you mean legal authority, or do you mean permission? When you say --

Q Permission. I mean, it seems like the FBI's work and the DNC and CrowdStrike were all trying to work together to figure out what happened.

A Right.

Q So my question is, did the FBI, as the Nation's law enforcement agency, have direct access to all of DNC's servers if they wished?

A They would have -- they would have if they wanted it. I don't know -- I don't know what specific requests or I can't recall all the specific requests that were made, but I don't know of a request that the FBI made that was rejected. I don't believe -- I don't believe -- and that's the kind of request that would have come to me.

So I don't know -- I don't know all of the requests that were made. I just know that at the early meeting which I mentioned, we said, you two -- you can

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

work directly with CrowdStrike. You don't need to come through us. Anything they have you can get. Do you want to come on premises for any reason? No, we don't need to come on premises. Here's a list we have of 18, 19 different items and things that we want. Great. CrowdStrike took that directly. We said, great, hope you'll get all these things.

Q Right. I understand that the FBI had access to everything CrowdStrike had access to. I understand that relationship. But my question is, did the FBI, to your knowledge, have access to all of the DNC servers, and did they ever request that access?

A So they could have had access to all of them. I don't know if they requested access. I don't know what all the requests were. As I said, I wasn't involved in the day-to-day can we see this and can we see that. So --

Q Right. When you said they could have had access, is that you saying it today? I'm trying to go back in time at the time that you are meeting and talking with the FBI. Are you aware whether or not the FBI had access to the entire DNC server network?

A Sure. They did, because, as I said -- and I apologize, maybe I should be more clear -- when I asked them if they wanted to come on premises, it was for the -- there may be other reasons, but it was for the purpose of imaging anything they wanted to image.

Q Okay.

A So they were free to come on premises. And, frankly, that could have been a cost savings if the Bureau wanted to come on premises and do some imaging, and they would share their images with us. There's a way that, you know, that could have saved money for the client. But it wasn't something that

UNCLASSIFIED, COMMITTEE SENSITIVE

they were interested in at the time, at that time.

Q That's helpful. Thank you.

Going over to -- moving on from CrowdStrike and the FBI, did you ever have any interactions with any other government agencies in relation to the DNC hack, Russian involvement in the 2016 elections, or anything like that, or any members of any government agencies?

A So, yes. For the intrusion, I believe our contacts initially and for a while were only with the FBI. And there came a time when we got involved with the Department of Homeland Security, and had a variety of ongoing meetings with them for various purposes. We reached out to State officials, to the State -- Association of Chief Information Officers from the States.

Q Did you meet with anybody else, any members of the Intelligence Community, either officially or unofficially, to discuss these matters?

MS. RUEMMLER: With respect to the DNC?

BY [REDACTED]

Q The DNC, the 2016 Russia election, all things that fit under that sort of general big title.

A So let me provide one general exception. I had meetings and calls with the FBI when there were a lot of people in the room, and I don't necessarily know --

Q Yeah, I don't mean that.

A -- who was there.

Q I don't mean the FBI. I don't mean those big conference calls or anything like that. I mean, did you have any engagements with any members of the Intelligence Community, not the FBI, one-on-one, or in small groups, or

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

telephone calls, or communications with folks, say, such as the Central Intelligence Agency?

A I think as regards to the -- I think all of the hacking -- I think all of the hacking stuff was limited to the FBI and DHS.

Q Okay. So you never had any communications with members of the CIA [REDACTED] discussing the -- not only the hack, but also the possible Russian intrusion and Russian involvement in the 2016 election?

MS. RUEMMLER: Kash, just to clarify, you're talking about the 2016 timeframe here?

BY [REDACTED]

Q Well, that's when that incident occurred. I'm asking if you ever have from that time until today?

A So I have -- I have various contacts with members of law enforcement and the Intelligence Community on behalf of a number of different clients. So I'm not sure how to --

Q Sure. I'll narrow it down for you. Fair enough. As it relates to what you and I have been talking about here today --

A Right.

Q -- that is, the DNC hack, the Russian involvement in the 2016 election, and any information that was derived therefrom, did you meet or discuss with any members of the Intelligence Community outside of the FBI to provide information, talk to them about these matters? Did they reach out to you? Did anything like that ever happen in 2016 or 2017?

MS. RUEMMLER: Do you want to confer for a second?

MR. SUSSMANN: I just want to talk about the range of -- I have a lot of

UNCLASSIFIED, COMMITTEE SENSITIVE

different clients, and since we've just spoken --

MS. RUEMMLER: As long as you don't reveal identity of them, which you're not permitted to do under the rules, or any content.

MR. SUSSMANN: Can we step outside and talk about how to deal with the range of clients?

MS. RUEMMLER: Yes.

[Discussion off the record.]

MR. SUSSMANN: Thank you.

[REDACTED] No problem.

[The reporter read the record as requested.]

MR. SUSSMANN: So I'm not clear as to the scope of what you're asking your question, but I'm going to be sort of more expansive in my answer, because there's nothing -- you said in relation to the things that we discussed today, and this is not something we've discussed today.

But I did have -- I don't believe I had -- so two things. I don't believe I had -- I didn't have direct contact with [REDACTED], but I can relate to you some indirect contacts with [REDACTED]. And I had a meeting [REDACTED] as well.

BY [REDACTED]

Q Okay.

A The [REDACTED] contact related to specifically my representation of the DNC, and my contact [REDACTED] did not relate to my specific representation of the DNC, or the Clinton campaign, or the Democratic Party. And I also -- I'm not -- I will do the best that I can with you. I think there are limits to what I can discuss in an unclassified setting.

Q Okay, fair enough. What was your contact [REDACTED] about?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

A So the contact [REDACTED] was about reporting to them information that was reported to me about possible contacts, covert or at least nonpublic, between Russian entities and various entities in the United States associated with the -- or potentially associated with the Trump Organization.

Q And when did that contact [REDACTED] occur, month and year?

A February 2017.

Q Where did you get that information from to relay to [REDACTED]?

A From a client of mine.

Q Why did you go to [REDACTED]?

A I initially reached out to [REDACTED] --

MS. RUEMMLER: Just to be very careful here to make sure that you don't disclose any attorney-client or work product privilege information. I think you can talk generally about your general purpose in seeking the meeting, but just be careful not to disclose any communications between you and your client.

A Okay. I'm sorry, so was the question why?

BY [REDACTED]

Q Yes.

A Well, so the purpose of the meeting was to share -- you may need to repeat your last question. I feel like I'm repeating myself. The purpose was to share information that --

Q Right.

A -- we had that might be --

Q You did say, right, that you had -- you'd received information from a client -- I'm not asking who -- that may be germane to the 2016 election and associates of the Trump campaign or people affiliated with the Trump campaign.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

So my follow-up question was, why did you go to [REDACTED] with this information?

A Oh, I'm sorry. And I apologize. I remember what I was going to say. It was -- it was, in large part, in response to President Obama's post-election IC review of potential Russian involvement in the election. And in that regard, I had made outreach prior to the change in administration in 2016. And for reasons known and unknown to me, it took a long time to -- or it took -- you know, it took a while to have a meeting, and so it ended up being after the change in administration. But --

Q When did you first reach out to [REDACTED] in this regard?

A Probably early December, or sometime in December.

Q 2016?

A 2016.

[REDACTED] Our time is up. We'll pick up there when we get off.
Mr. Ranking Member.

MR. SUSSMANN: Okay, thank you.

Congressman Schiff, I apologize that for the length of the questioning, I was showing you my ear and my shoulder --

MR. SCHIFF: No worries.

MR. SUSSMANN: -- and wasn't paying attention to you. Thank you, Mr. Conaway.

MR. MCQUAID: It's his better side, so you're well positioned.

MR. SCHIFF: Mr. Sussmann, I want to go back over the timeline a bit. So you're first brought into this by a partner at the very end of April of 2016.

MR. SUSSMANN: Yes, sir.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

MR. SCHIFF: And at that point, you're initially told that there may have been an intrusion in the DNC computers. Is that the gist of what you're told when you're asked by your partner to join a call?

MR. SUSSMANN: There are two incidents. In maybe the third week of April, I was told that the FBI was requesting some logs, and to get involved and see what that was about. And then the very last Friday in April was when I was told that the DNC itself had discovered an intruder in the network, and to get on that late afternoon call on a Friday and start dealing with it. So --

MR. SCHIFF: Now, and your counsel will tell you whether I can ask you these questions or not. What did you come to learn about what the DNC was aware of prior to your being brought on? In other words, there had been public reports that one intrusion began in 2015, and another intrusion began in 2016. What, if anything, did you learn about the prior history of what the DNC was aware of?

MS. RUEMMLER: And I think there, just to be careful, if you learned it from the DNC, then I would instruct you that that's not an area that you could go into. But if you learned it through other means, like through communications with the FBI, for example, or elsewhere, then I think you can answer the question.

MR. SUSSMANN: Well, I learned through various means, but including means that didn't involve my client, that there had been some back-and-forth with the FBI and the DNC for some period of time, some number of months.

MR. SCHIFF: And when you were brought in at the end of April and engaged CrowdStrike, what did you then learn from the FBI about what the FBI knew, in terms of who was intruding in the system and what their purpose was? So in the first interactions you had with the FBI, what do they inform you they knew

UNCLASSIFIED, COMMITTEE SENSITIVE

about what was going on?

MR. SUSSMANN: So, as I mentioned earlier, in our first meeting with the FBI in June -- I realize that's a little bit beyond April -- they told us that it was Russian state-sponsored intruders, activity they'd been following for a while, not necessarily specific to the DNC or otherwise, but they'd been -- counterintelligence people had been following them for a while, that they were sophisticated.

And their belief at the time, and I confess mine as well, was that this was a foreign intelligence service collecting intelligence on an important global election in the same way that other countries, perhaps even our own country, does to inform their political leadership. So that's what the -- their assumption was, my assumption was as well, of the purpose of the intrusion.

MR. SCHIFF: Did they tell you in that June meeting whether they knew whether the Russians had exfiltrated data or were merely present on the system?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

[11:10 a.m.]

MR. SUSSMANN: I don't recall. I recall wanting to know that information from the FBI because it was a top priority for my client to see what had been exfiltrated. And, you know, I have a recollection of the FBI being aware of some limited exfiltration, but I apologize, Congressman, I can't be -- I don't recall more specifically.

MR. SCHIFF: In late April, according to the Papadopoulos plea and factual basis, the Trump campaign was made aware through Russian outreach to Papadopoulos that they were in possession of hacked Clinton emails.

MR. SUSSMANN: Uh-huh.

MR. SCHIFF: Was that before you were aware of that?

MR. SUSSMANN: If I understand your question, in late April of 2016, I was not aware that emails from the DNC had been exfiltrated or any large body of them.

MR. SCHIFF: And that would have been true for May of 2016 as well?

MR. SUSSMANN: Yes.

MR. SCHIFF: So the first time you may have gotten an inkling that some files may have been exfiltrated would have been the June meeting with the FBI?

MR. SUSSMANN: Well, I believe that we knew that the bad people had accessed some opposition research. There were indicators, I think, specifically with regard to opposition research that the intruders had accessed it, and, perhaps, exfiltrated. But our information at the time was limited to that specific kind of information.

MR. SCHIFF: And the opposition research you're talking about was op research on Donald Trump?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

MR. SUSSMANN: No. I believe they accessed -- I believe their access to opposition research was more general to that. Although, at that time, I'm sure that Mr. Trump was a particularly important target of that.

MR. SCHIFF: But when you say they had access to op research, you're talking about op research that was collected by the DNC on opponents of Secretary Clinton, whether they were primary or general opponents?

MR. SUSSMANN: Well, I believe that there was a staff person at the DNC who was in charge with, or involved with research, opposition research. And that person's -- there was evidence that that person's files had been rummaged through in a cyber way.

MR. SCHIFF: And getting to the question of what the FBI sought access to, in all of your discussions with the FBI about what they needed to do their own forensic work, did you ever tell the FBI no, they couldn't have access to something?

MR. SUSSMANN: No.

MR. SCHIFF: And --

MR. SUSSMANN: Excuse me.

MR. SCHIFF: Yeah.

MR. SUSSMANN: At the outset, and when we had that first meeting at the FBI, I did say that if there are any requests that involve a content of communications, that CrowdStrike should come back to me. But that was a sort of line in terms of unsupervised sharing, if you will. But I'm not aware of any request that was turned down.

MR. SCHIFF: And I take it CrowdStrike never came back to you and said the FBI would like to look at the content of communications?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

MR. SUSSMANN: No.

MR. SCHIFF: And to your recollection, the FBI had presented a two-page list of what they wanted from CrowdStrike and CrowdStrike went through it, and over time, would check off items on the list?

MR. SUSSMANN: Uh-huh. Yes, sir.

MR. SCHIFF: And in the discussions and meetings with the FBI, did they ever tell you that CrowdStrike had been uncooperative in any way?

MR. SUSSMANN: No. To the contrary.

MR. SCHIFF: And did it -- you had offered the FBI the opportunity to come on the premises and inspect the servers themselves, and they declined that invitation?

MR. SUSSMANN: Yes.

MR. SCHIFF: You mentioned that it would have been more cost effective for the campaign or the DNC had they wanted to come in and image the servers themselves. They didn't --

MR. SUSSMANN: It could have been.

MR. SCHIFF: But they never expressed the interest in doing that?

MR. SUSSMANN: No, sir.

MR. SCHIFF: There has been a public narrative -- the reason we're asking these questions. There's been a public narrative that the FBI asked for the servers and were turned down. To your knowledge, did the FBI ever ask for the servers?

MR. SUSSMANN: Congressman, the only request of that nature was for the forensic images that CrowdStrike took, which were shared with the FBI.

MR. SCHIFF: When Director Comey testified, he was asked about this,

UNCLASSIFIED, COMMITTEE SENSITIVE

and he said, "In the case of the DNC, and I believe the DCCC, but I'm sure the DNC, we did not have access to the devices themselves. We got relevant forensic information from a private party, a high-class entity that had done the work, but we didn't get direct access.

"Burr: But no content?

"Comey: Correct.

"Burr: Isn't content an important part of forensics from a counterintelligence standpoint?

"Comey: It is. But what was briefed to me by the people who were my folks at the time is that they had gotten the information from the private party, that they needed to understand the intrusion by the spring of 2016."

Is Director Comey's testimony that the FBI had gotten the information from the private party that they needed to understand the intrusion consistent with your recollection?

MR. SUSSMANN: It is. And I believe there is other testimony of Director Comey. Perhaps at this hearing or another one, where he conceded, or said that this is typically what happens, that the Bureau relies on other companies to do -- to give him investigative materials.

And in my practice, for 7 or 8 years at the Department of Justice and now 12 years at my firm, that's the way many, many investigations are done in the cyber context, in the context of the Foreign Corrupt Practices Act.

I've led investigations where the Department will direct us to interview these people and do these things, and we go out and undertake investigations that save the Department resources.

And when it comes to forensic examination, there's an added assurance in

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

that -- a bit-by-bit image of a server or device that's taken with a particular kind of software is not going to yield a different result than if that same bit-by-bit image were taken by someone else in the government.

So we very often, in our investigations, will share our forensic images with the FBI for the work that we've done -- that we're doing.

MR. SCHIFF: And, you know, for us lay people, can you explain what a forensic image is?

MR. SUSSMANN: Sure.

MR. SCHIFF: Just how much does it reveal about the status of the server, or the presence of outside parties on the server or the history of what's gone on?

MR. SUSSMANN: Sure. So servers these days are digital. All the information on there is 0s and 1s. And the sort of smallest piece of information is going to be a bit. And so when I say it's sort of a bit-by-bit image, it's an exact copy of the source material with absolutely no difference between the two.

So there's a methodology and a technology that guarantees forensically that a copy is being made that is an identical copy of the original. And those forensic copies are used in court and in other areas where someone needs to rely on a copy being an exact copy in every way of an original.

MR. SCHIFF: At what point did CrowdStrike reach its conclusion about who was on the system and why they were there and what they had done?

MR. SUSSMANN: Well, if I can take those in three parts. The who was on the system was very soon after their engagement. It was -- if we spoke to them on Friday, it was Sunday, Monday, maybe Tuesday, it was just -- it was in the very few days after our initial engagement with them. They identified the Russian actors who were on the network, and they were Russian actors that

UNCLASSIFIED, COMMITTEE SENSITIVE

CrowdStrike had perhaps 6 months prior written a report on. So that was fairly soon thereafter.

The what they were doing, as I said, about myself and about the FBI, nobody at that point knew or thought the Russians -- I shouldn't say "nobody." But as far as my discussions with CrowdStrike, my discussions with the FBI, and personally, the general belief was that this was a foreign intelligence service collecting information to report to its political leadership about an election in the United States. So there was no initial report from CrowdStrike that there was any other motive behind the hacking.

MR. SCHIFF: So at the time CrowdStrike prepared its report, that report did not conclude that the Russians intended ultimately to weaponize the data, but rather the data was being gained -- gathered for foreign intelligence purposes?

MR. SUSSMANN: I don't recall specifically what the report says, but I don't believe that it was within -- that our request to CrowdStrike was to define what their -- I don't believe that they were reporting on -- they were reporting on what happened and what evidence they had of what happened. I don't recall whether they were reporting on why they thought the Russians were doing what they were doing.

But in their report, in their discussions, they didn't have any greater insight than anyone else early on. Before the documents started being released, I don't recall CrowdStrike having any greater insight or foresight than anyone else had at the time.

MR. SCHIFF: And when the documents started being released, was CrowdStrike still working for the DNC?

MR. SUSSMANN: Yes.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

MR. SCHIFF: And were they able to do a comparison of the documents that were being released to the documents that had been on the DNC servers to confirm that, in fact, these were documents that had been housed on the server? Was that a part of their work, or was that beyond the scope of their work?

MR. SUSSMANN: It was mostly beyond the scope of their work. To the extent that work was being done, it was being done internally by the DNC, but there would be questions that we would turn to CrowdStrike for.

One of the difficulties, if I may, is that when the first documents appeared in June, the DCLeaks and Guccifer, it was hard for anyone to determine where they came from. And for one reason, there were some documents that we spoke with someone at the DNC and said, either is this your document or is this a document you've seen, and it was, but it was a document that was shared broadly within the Democratic Party.

So we knew that it was a document that either emanated from someone or was received by someone, but it wasn't clear that that came from this intrusion as opposed to another one.

MR. SCHIFF: And when CrowdStrike presented its report, do you recall what level of confidence it had in the conclusion that Russian actors had been behind the hacking of the DNC?

MR. SUSSMANN: Very high. They -- excuse me.

MR. SCHIFF: Yeah.

MR. SUSSMANN: On that point, they had no reservation. I don't believe they gave us a statistical number and said with this degree of certainty, but there was no hesitation, no caveat.

MR. SCHIFF: And did they discuss with you why they had that level of

UNCLASSIFIED, COMMITTEE SENSITIVE

confidence, what indicators they saw that they could attribute back to Russia?

MR. SUSSMANN: I know there were specific indicators. I don't recall which ones they were. But these two actors, what they call Fancy Bear and Cozy Bear, are actors they were very familiar with.

And at the -- and I remember at the time of the breach when we contacted them, one of the folks at CrowdStrike sent me a Washington Post story from the fall of 2015 that talked about these actor -- the Fancy Bear and Cozy Bear, and how CrowdStrike had identified them, understood them, knows their signatures, and discussed having found them, I believe, also infecting the Joint Chiefs of Staff and the State Department and other secure government areas -- networks.

MR. SCHIFF: There have been a number of conspiracy theories floating around about the hacking of the DNC. In one case, that the tragic murder of a former DNC staffer was exploited to create an unsupported theory that that staffer was involved in leaking the documents rather than the Russian Government hacking the documents.

Another questionable report says that the speeds of the data download from the DNC could only point to an inside job. Did CrowdStrike turn up any evidence that the hacking was an internal job?

MR. SUSSMANN: Absolutely not.

MR. SCHIFF: And CrowdStrike, in your view, had the capability of -- as one of the premier cybersecurity firms -- determining whether something was an inside job or an outside hacking operation?

MR. SUSSMANN: Absolutely.

MR. SCHIFF: Mr. Heck.

MR. HECK: Thank you. I was a little distracted here by a report handed

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

to me that an Amtrak train fell on the Interstate 5 in the heart of my congressional district, so give me a second to get my thoughts together.

Mr. Sussmann, for those of us who are of a certain age, we're still trying to get our arms around what the heck a cyber crime is and how it is that we might be able to relate to it. So I kind of want to bring this back to basics and help me put this in perspective and ask your forbearance with my questions.

To begin with, is it true that unauthorized access of a computer is a Federal crime?

MR. SUSSMANN: Yes, sir.

MR. HECK: What is that crime that is being committed?

MR. SUSSMANN: It's a violation of -- at a minimum, it's a violation of the Computer Fraud and Abuse Act, which is section 1030 of Title 18.

MR. HECK: And why do you say "at a minimum"?

MR. SUSSMANN: There could be other associated -- crimes associated with computer intrusions.

MR. HECK: Such as?

MR. SUSSMANN: Wire fraud, espionage. Other statutes could be implicated, but the primary statute is the Computer Fraud and Abuse Act.

MR. HECK: What are the penalties?

MR. SUSSMANN: They include fines and imprisonment.

MR. HECK: Imprisonment up to?

MR. SUSSMANN: Up to 10, and I believe that's been amended. And for certain crimes, repeat crimes up to 20 years.

MR. HECK: So, again, I have no prosecution or criminal defense background. Is that a certain class of felony? Is it a felony?

UNCLASSIFIED, COMMITTEE SENSITIVE

MR. SUSSMANN: So it is a felony. A felony is defined as any crime for which the term of imprisonment can be 1 year or more. So they are all felonies.

MR. HECK: Are there classes of felonies?

MR. SUSSMANN: There are. I don't know offhand of a -- of any description of these kinds of felonies that might be helpful.

MR. HECK: So I want to ask you generally about the involvement by third parties, which I also do not understand. So if party A gains unauthorized access to party B's computer files, they have committed computer fraud and abuse.

If the contents of that theft -- and let me just digress here. When I explain this to people back home, the fairly crude analogy that I use is if somebody accesses your computer files on an unauthorized basis, that's really analogous to them illegally entering your home, opening up your filing cabinet, taking files, and leaving. Is that more or less a fair analogy?

MR. SUSSMANN: It is. In the case of computers -- in the case of a computer system, no one needs to leave with your files. So I think your analogy is apt, but it would be apt if someone walked into your home, broke into your home, was not supposed to be there, rummaged through -- looked and read your files and left without them. I think that's enough to satisfy the analogy.

MR. HECK: So they don't have to exfiltrate the files --

MR. SUSSMANN: Correct.

MR. HECK: -- in order to be in violation of the computer fraud and abuse?

So back to the third party, and at what point or ever does third-party possession of exfiltrated files constitute a crime?

MR. SUSSMANN: I think it would matter what -- I think what would matter, sir, is the means by which a third party received the information. But if I can make

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

a comparison, possession of hacked, stolen information isn't, per se, a crime in the way that possession of classified information could be a crime.

And, maybe more to the point, possession of illegally wiretapped information can also be a crime. But the statute doesn't punish the mere possession to the mere innocent possession of hacked information.

MR. HECK: So the analogy that I use to describe this breaks down vis-à-vis physical material insofar as possession of stolen -- mere possession of stolen physical material can, in fact, be a crime, but not 1's and 0's.

MR. SUSSMANN: Well, I think for both it probably depends on the circumstances. So if the person possessing the hacked material was a part of the plan, and his or her possession of it was in furtherance of that plan, then that could be criminal conduct.

MR. HECK: So what I think I just heard you say is if they knowingly aided or abetted in the intrusion and the exfiltration, whether or not they were the party conducting it, that would constitute or could conceivably constitute a crime?

MR. SUSSMANN: It could, yes, sir.

MR. HECK: What about post facto, knowingly possessing that which was illegally obtained, is there any level of crime committed depending on, A, the knowledge that it was stolen, or, B, the manner in which it is used?

MR. SUSSMANN: I'm not an expert in every aspect of the criminal code, but with regard -- my understanding is with regard to the Computer Fraud and Abuse Act, if Joe, hypothetical person, is a computer hacker and hacked information and stole it, and then he went and visited with his friend Sally and said, Hey, I just found some interesting information, do you want to take a look at it, or let me leave it here with you, I don't believe that Sally's after-the-fact possession of

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

that data without any participation in the crime itself falls under any criminal provision in a Computer Fraud and Abuse Act.

MR. HECK: Even if she knew that Joe had illegally obtained them?

MR. SUSSMANN: If she knew about it after the fact, correct.

MR. HECK: You're an expert in cyber crime, and, therefore, I don't necessarily expect you to be able to answer this question, but is it not also a Federal crime for a foreign government to interfere in an American election, depending on how we define "interfere"?

MR. SUSSMANN: With -- on that topic, sir, with respect, I'm a lay observer.

MR. HECK: That puts you seven notches above where I am. All right.

Ranking Member.

Thank you.

MR. SCHIFF: Thank you, Mr. Sussmann. Just a couple more questions. And, again, this may be a bit outside of your area of expertise, my colleague was asking about foreign government intervention in election. Are foreign governments, to your knowledge, as someone who deals with the DNC and the Democratic Party, are foreign governments permitted to participate in U.S. elections by providing financial support or assistance to any of the candidates?

MR. SUSSMANN: No, sir, not to my knowledge.

MR. SCHIFF: And if they provided assistance to a campaign in the form of stolen materials that constitute opposition research, is that a potential violation of U.S. election law?

MR. SUSSMANN: I believe that would be, sir.

MR. SCHIFF: And if U.S. persons were to conspire with them to do that,

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

would they also be in violation of the law?

MR. SUSSMANN: I believe they could be, sir.

MR. SCHIFF: I yield back.

MR. CONAWAY: All right. Do you need to take a break?

MR. SUSSMANN: No. Just shift my chair.

MR. CONAWAY: All right. So a couple this' and thats. Do you have a security clearance?

MR. SUSSMANN: I do.

MR. CONAWAY: So trying to clarify who first knew about the Russians and/or thought they did. Earlier, you said that you believe the FBI told your client that it was the Russians and state-sponsored. And then at the first meeting, CrowdStrike, did they come to that conclusion independent of what the FBI had done? Trying to figure out who knew first.

MR. SUSSMANN: Yes. Yes, Congressman. So we engaged CrowdStrike at the very end of April, and they began their investigation very soon thereafter, perhaps as quickly as over the weekend. And within a day or so, they reported back that based on the evidence they had seen, that they believed it was Russian state-sponsored attackers.

And then, if I can continue, when we met with the FBI in June, so it could be 6 weeks later, they -- in the meeting, they said this is a Russian state-sponsored.

MR. CONAWAY: Who is "they"? Excuse me.

MR. SUSSMANN: Sorry. The representatives of the FBI said it was Russian state-sponsored.

MR. CONAWAY: So the FBI had been in contact with the IT vendor for the DNC for several months?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

MR. SUSSMANN: That's my understanding.

MR. CONAWAY: And do you believe that the IT vendor was aware that the FBI thought it was the Russians throughout that conversation or at some point in that conversation, so that your client and the FBI had come to an independent conclusion on their own?

MR. SUSSMANN: I don't know.

MR. CONAWAY: Okay. I thought what you mentioned that -- during those late April conversations between your client, that the FBI -- or that the -- you said the FBI had determined it was the Russians?

MR. SUSSMANN: Well, I apologize. Let me try to be more clear.

MR. CONAWAY: I was just trying to figure out, and I'm not sure why I'm asking you this question, but which one knew first or if they were independent?

MR. SUSSMANN: Well, so the first time I learned about this was in April. So my understanding about what happened prior to April is from a variety of sources, a lot of it, sort of public reporting. So I don't know the specifics of who said what and who knew what.

My understanding is that the FBI knew a lot about these actors. I don't know what specifically they shared with the vendor during that timeframe before April.

MR. CONAWAY: Before you got involved? Okay.

MR. SUSSMANN: Yes, sir.

MR. CONAWAY: The Podesta emails that were stolen, were those in the possession of DNC or the Clinton campaign?

MR. SUSSMANN: Neither. They were -- my understanding is they were -- it was Mr. Podesta's Gmail account that he -- well, I don't really know

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

specifics about the purpose of that account. But I don't believe they were in possession of -- they were not in possession of the DNC. I don't believe they were in possession of the --

MR. CONAWAY: All right. To your knowledge, was CrowdStrike involved at all with that theft, investigating Podesta's theft of his emails or the hacking or breach?

MR. SUSSMANN: I don't know of any involvement.

MR. CONAWAY: All right. Was the Clinton campaign your client, per se, in this regard?

MR. SUSSMANN: The Clinton campaign was a client of our firm, yes.

MR. CONAWAY: Okay. You mentioned pretty good knowledge of logging at the DNC on their computers. Did they -- were they set up -- was that work set up to be able to track exfiltrations? Did they log that information so that, in fact, they could determine what had been or how much had been taken in any one point in time before CrowdStrike got in and put their tools on?

MR. SUSSMANN: Well, I can't speak to the purpose for the logging. You asked, you know, did they log it so they could determine something. But I know that they had logging -- as most companies do in my practice, companies maintain logs for varying periods of time, but less over time because of the amount of data storage there is.

So closer to the time in question, there was more logging; further back in time, there was less or no logging; and that some of that information was helpful in determining whether there had been exfiltration.

MR. CONAWAY: Okay. So to your -- back to Adam's question. We're all trying to put these conspiracy theories to rest. I come from a part of the world

UNCLASSIFIED, COMMITTEE SENSITIVE

where they really like conspiracy theories. And this -- a very intriguing one with the tragic death of a young staffer, and the idea that he downloaded all this material to a thumb drive, flash drive, walked out of the building with it. That's not a hack per se from an external. That would be an inside job.

Do you believe that the DNC had adequate tracking devices to know that that did not happen in terms of logging and knowing their own systems?

MR. SUSSMANN: I don't know if the DNC -- I think the question you're asking me is, did the DNC have sufficient logging to know if an individual user copied files onto a thumb drive?

MR. CONAWAY: Yes.

MR. SUSSMANN: I don't know the answer to that question.

MR. CONAWAY: Okay. All right. [REDACTED]

BY [REDACTED]

Q Mr. Sussmann. My name is [REDACTED]. I'm the [REDACTED] for the majority, and I'll be filling in here for [REDACTED] who had to leave.

I want to just follow up on some areas that he was questioning you on. And I'd like to go back, before we -- before the ranking member began his questions, and that was a line of questioning that [REDACTED] was asking regarding, I think, your actions with [REDACTED].

A Yes, sir.

Q In late 2016, if I'm not mistaken. Is that correct?

A I -- more broadly, late 2016 and early 2017.

Q Okay. Can you -- so let's start with [REDACTED]. You said you met with somebody or some representatives [REDACTED]

A Not exactly, but I can just explain to you what -- the nature of the

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

contact.

Q Sure. Okay.

A So as you may be able to imagine, late in the summer of 2016, there was a lot of concern and paranoia, and know where the line is, among all sorts of Democratic Parties about Russian hacking and Russian docs'ing (ph), meaning the release of information and, the extent of Russian penetration.

And so there came a point in time when the DNC put a -- hired an outside vendor to do a sweep of its facility to look for listening devices. And they hired this outside vendor, and they had -- they didn't find -- well, they had findings, but they did not find any sort of listening device.

And then some time in the fall, the DNC reengaged this vendor, and the vendor came in and did their whatever they do. And I was contacted by the DNC after they received the second report, and this second report indicated that there were some unusual RF signals emanating from, or near chairwoman or interim chair Donna Brazile's office.

And the company couldn't determine the exact source of it. And there was a comment that said, this is not unlike the way transmitters can be embedded, you know, into walls, so they transmit out. And they didn't -- but notwithstanding that, they did not believe that this was the result of any kind of foreign surveillance.

And, so, I looked at the report, and what troubled me about the conclusion was that they didn't go figure out what it is. Like, they had the equipment. Go -- I mean, I appreciate that they didn't think it was something, but they seemed like they had the ability, they had the equipment to find out what it is.

And so, I recommended to the DNC that they bring the vendor in and try and just bring in their equipment and figure out, like, go find the thing. And then I

UNCLASSIFIED, COMMITTEE SENSITIVE

recommended to the DNC that I contact counterintelligence officials at the FBI, and just report to them, just sort of an a see-something, say-something basis.

Even if this company didn't think it was something, our broader -- this is my belief, that our broader counterintelligence community can see this piece and plug it in with other pieces and they just have a broader look about what's going on.

And so two agents from the counterintelligence at the FBI came to visit me in my office.

Q Was that in -- what time was that in 2016? Was that after the election?

A No, this was October, probably.

Q Okay.

A They came to my office, and I gave them the report from this company, explained to them what was going on. And they said they wanted to look into the particular frequency and what it was used for and some other issues, and they wanted to share the report [REDACTED]

And I don't really recall the specific need or expertise [REDACTED] but they asked my permission. I said, absolutely. Do whatever you'd like. And they -- and so I had sort of several -- I had some back and forth conversations with the Bureau, and in some of them they relayed their communications or questions [REDACTED]

So while I didn't meet with anyone that I knew of [REDACTED] at the time, I was sort of, in some ways, in a three-way conversation [REDACTED] through the Bureau on this issue, which ended up to be nothing.

It ended up to not be what anyone believed to be some sort of bugging or operation of a foreign intelligence service. But I may or may not have known the

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

name of the person [REDACTED] but I certainly encouraged the Bureau to reach out to them if that was helpful in any way, and had a bunch of sort of back and forth about it.

Q And the back and forths were between FBI agents and you regarding the conversations the FBI was having [REDACTED] concerning the information the vendor provided the FBI. Is that correct?

A Yes. It was -- my direct communications were with the FBI. They were communicating as well [REDACTED] and gathering other information, and then reengaging with me on what they had found or if they wanted further information.

Q When the FBI was asking you questions or briefing you on their findings or summaries of their conversations [REDACTED] what were those kind of -- what were those conversations about? Were they just telling you what they heard [REDACTED]

A [REDACTED]
[REDACTED]
[REDACTED]. So it allowed me to report back to my client that they don't have anything to worry about about this particular thing.

And I believe everyone's instruction was to get the company back. I remember they looked at the report and said, this company -- these are all former Bureau guys, and they're using like better equipment than we have because they have a better budget than we do. So their work is very good, and you've got good people in here, but they should like bring it back and figure out what it is, because something is sending off a signal.

Q Do you remember who you spoke with at the FBI on this matter?

UNCLASSIFIED, COMMITTEE SENSITIVE

A Well, I remember --

Q Do you remember the specific names of the agents you spoke with?

A No. I might be able to find that, but I reached out to [REDACTED]

which was the -- I mentioned earlier, was the WFO cyber crime guy who the DNC -- sort of the DNC's main contact. And he would be my main contact.

Earlier this morning, I talked about threats. I was a central point for physical threats, and all sorts of threats would come in. I would sort of feed things through him. And I remember reaching out to him and saying There's a report, can you connect me with someone. He said, Oh, yeah, I know the Russia guys at WFO who've been doing this. I'll put you in touch.

I think one of the gentleman, his last name was [REDACTED] But I may be able to find a record of my communications and send that, if that would be helpful.

[REDACTED] Okay. Mr. Schiff, I'm -- we're almost done with our 15 minutes. I've got some more questions, so I'll just defer to you for the next 15. The next question I'm going to ask is going to probably have a lengthy response and follow up.

MR. SCHIFF: Why don't you continue.

[REDACTED] Okay. Yes, sir.

BY [REDACTED]

Q I want to now shift to [REDACTED]. So you also now had a conversation with representatives of [REDACTED].

A Uh-huh.

Q Can you explain when that conversation occurred exactly? What was the timeframe?

A So I had a conversation with the [REDACTED] current general counsel in

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

December 2016. And then in February, I believe, I had a meeting at [REDACTED]

Q Do you remember what time in February? Was it early or mid or late February?

A I think it was early.

Q Early February. And the -- let's go back to the conversation that you had with [REDACTED] OGC -- or general counsel, I guess. You had a meeting with the general counsel?

A Just a phone call.

Q Phone call. And what was the phone call about?

A I initiated the phone call. And I said, in some manner, I understand that the President has ordered a review of all intelligence relating to the election, and I have some information that may be germane to the subject matter of the investigation, and offered to come meet with her or, I don't know, you know, someone at [REDACTED], if they were interested, to hear about this information.

And that was really the -- that was the nature of the call.

Q What was the response from the general counsel?

A Well, it was an expression of interest, but in fairness, this was a cold call. So I wasn't expecting any, like, thank you for calling, something along the lines of thank you for calling, and I'll speak to some people here and someone will get back to you.

Q And she -- did she indicate that she would get back to you in another point regarding your offer?

A Uh-huh.

Q And what was the information that you had in December of '16 that prompted the phone call? What was it that you wanted to share with [REDACTED]

UNCLASSIFIED, COMMITTEE SENSITIVE

A I wanted to share information showing possible contacts between, you know, people unknown to me in Russia and the Trump Organization -- I know that's a broad statement -- the Trump Organization and others in the United States.

Q And where did this information come from?

A It came from a client.

Q Can you mention who that client is?

MS. RUEMMLER: I'm going to instruct you not to answer.

MR. SUSSMANN: I cannot.

BY [REDACTED]

Q Was that a client that you had represented prior to representing the DNC?

MS. RUEMMLER: I think you can answer that question.

MR. SUSSMANN: Prior to representing the DNC on this matter?

BY [REDACTED]

Q Yes.

A Yes.

Q Did the information that you received from this client come into your possession or knowledge after the election, after the presidential election in November 2016?

A No.

Q So the information that you had that you discussed with the general counsel of [REDACTED] in December was information you knew about prior to the election, presidential election in 2016?

A Yes.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Q And when did you know -- when did your client, without giving me obviously the name of the client, when did your client tell you about this new information or information that you had known about, that prompted your call in December?

MS. RUEMMLER: I'm going to instruct him not to answer that. I think that calls for information that's covered by privilege.

[REDACTED] Well, I'm not asking -- and I understand your point. I'm not asking -- I'm only trying to get an understanding of when the information was conveyed to your client.

He's indicated that he had a phone call with the general counsel at [REDACTED]
[REDACTED] So I'm just trying to understand when he became aware of this specific information that he then notified the GC about.

Can you just give me a timeframe as to --

MS. RUEMMLER: Can you give the general timeframe?

MR. SUSSMANN: How general?

MS. RUEMMLER: Season.

MR. MCQUAID: Season.

MR. SUSSMANN: Sure. Probably the summer of 2016.

BY [REDACTED]

Q Okay. This information that you had that prompted -- and I guess, what prompted -- so I guess I should ask, what prompted you to make a call to [REDACTED]
[REDACTED] in December if you had known about this information for, say, 6 months or longer?

A Because the -- as I -- I apologize, because I can't clearly recall which information I only departed to your colleague -- or not.

UNCLASSIFIED, COMMITTEE SENSITIVE

Q Yeah. And --

A So I apologize if I'm repeating something or I haven't said it before, but the President was -- President Obama had ordered a review of all intelligence regarding -- I don't remember specifically what the executive order said, but anything involving Russian interference or activity regarding the election.

And this information seemed to fall roughly within that, and so I thought that might be -- or my client thought that that might be something that was relevant for those that were gathering information regarding foreign-based actors.

Q Okay. I mean, so just for the record, you were not part of the administration. You were a private attorney at the time?

A Yes, sir.

Q And you'd heard about the -- this call?

A Yes, sir.

Q Okay. So why didn't you then -- if you felt that it was necessary to convey the information you had been aware of to appropriate sources, if you will, appropriate entities, in this case you'd thought [REDACTED] was appropriate, why didn't you convey this information earlier to the FBI, or had you?

A I had.

Q So you had had a private -- you had had a separate conversation with a representative of the FBI regarding this same information?

A Yes.

Q And who in the FBI did you speak with?

A It's general counsel.

Q Okay. And that would be?

A Jim Baker.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Q And when did that conversation occur on or about?

A Middle of September 2016.

Q And what did Mr. Baker advise you to do?

A Advise me to do?

Q Yeah. Or what was -- what did he -- how did he respond to the information that you conveyed to him?

A He said thank you.

Q Did he offer any follow-on --

A No.

Q -- engagements, or did he promise that he would pass it on?

A But to be clear, I told him I didn't want any. I mean, I was sharing information, and I remember telling him at the outset that I was meeting with him specifically, because any information involving a political candidate, but particularly information of this sort involving potential relationship or activity with a foreign government was highly volatile and controversial.

And I thought and I remember telling him that it would be a not-so-nice thing -- I probably used a word more stronger than "not so nice" -- to dump some information like this on a case agent and create some sort of a problem.

And so I was coming to him mostly because I wanted him to be able to decide whether or not to act or not to act, or to share or not to share, with information I was bringing him to insulate or protect the Bureau or -- I don't know. I just thought he would know best what to do or not to do, including nothing at the time.

And if I could just go on, I know for my time as a prosecutor at the Department of Justice, there are guidelines about when you act on things and

UNCLASSIFIED, COMMITTEE SENSITIVE

when close to an election you wait sort of until after the election.

And I didn't know what the appropriate thing was, but I didn't want to put the Bureau or him in an uncomfortable situation by, as I said, going to a case agent or sort of dumping it in the wrong place. So I met with him briefly and --

Q Did you meet -- was it a personal meeting or a phone call?

A Personal meeting.

Q At the FBI?

A At the FBI.

And if I could just continue to answer your question, and so I told him this information, but didn't want any follow-up, didn't -- in other words, I wasn't looking for the FBI to do anything. I had no ask. I had no requests. And I remember saying, I'm not -- you don't need to follow up with me. I just feel like I have left this in the right hands, and he said, yes.

Q And when you chose the general counsel of the FBI, is it because you had a professional relationship with him? Did you know him personally?

A I know -- I mean, I know him professionally, but just from having been at the Department for a long time, been in Washington, I know most -- I just know most -- I know a lot of agency general counsel, so I don't have a particularly closer relationship with him than other people.

But I knew in his role, he seemed like the right person to go to with potentially sensitive information, and that he would -- I had hoped or assumed he would know what to do or what was in the best interest of the Bureau and of our country so that, I mean --

Q Fair enough.

So you met with the general counsel [REDACTED] You met with the general

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

counsel of the FBI.

A No. Excuse me. I'm sorry. You could finish.

Q You had a phone call with the general counsel of [REDACTED] in December?

A Yes, sir.

Q And you met with, in person, the general counsel of the FBI in September?

A Yes. And I apologize for interrupting.

Q Yes. Is that correct?

A Yes.

Q Okay. Did you have any other meetings with any other administration officials regarding the information you conveyed to the FBI GC and [REDACTED] GC?

Was there anyone else you contacted that worked for the Federal Government?

A Not that I recall.

Q Okay. So those are the only two? Now, I want to ask you, what was the information about?

A The information was about communications, or potential communications between persons unknown in Russia, and persons unknown associated with the Trump Organization.

Q Information that was given to you by a client?

A Yes.

Q So that information was not given to you by any other source but the client you represented?

A Absolutely.

Q Was that client Glenn Simpson?

UNCLASSIFIED, COMMITTEE SENSITIVE

A I don't think -- I'm not going to say anything about my clients.

MS. RUEMMLER: I think you can answer the question if -- I think you can answer that question. Do you want to confer about this just to make sure you don't trip any wires?

And not to be difficult, it's just that we only have authorization from two specific clients from the Clinton campaign and from the DNC, and he doesn't have authorization from any other client.

So should we -- do you want to step outside for a second?

MR. SUSSMANN: I feel like you're worried about me, so we should.

MS. RUEMMLER: No, I just want to make sure you're clear.

MR. SUSSMANN: I don't want to say anything I shouldn't, so --

MS. RUEMMLER: This will just be 30 seconds.

[Discussion off the record.]

[REDACTED] We can go ahead and go back on the record.

MR. SUSSMANN: Yes, sir. To answer your question, I have never represented Glenn Simpson.

BY [REDACTED]

Q Okay. So the information that was conveyed to you was not from Glenn Simpson?

A Yes.

Q Was it from Peter Fritsch (ph)?

MS. RUEMMLER: You can answer that.

MR. SUSSMANN: No, it was not.

BY [REDACTED]

Q Or Thomas Kattan (ph)?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

A I don't know who that person is.

Q Okay. The information, and you mentioned it just before we broke, you said it was communications between persons -- can you just describe it again, what the information was that you conveyed to the two principals? It was communications between U.S. persons and unknown folks in Russia?

A It was information that could demonstrate contacts or communications between unknown persons in Russia and unknown persons associated, or potentially associated with the Trump Organization.

Q I want to go back to [REDACTED]. So you had -- after you had the phone call with the general counsel, you then had a meeting in early February?

A Yes.

Q And who was in the meeting?

A A representative from the Office of General Counsel.

Q And who was that individual?

A I don't know.

Q Okay.

A And another -- [REDACTED].

Q Okay. Where was the meeting located?

A [REDACTED]

Q Okay. Was it in the Office of General Counsel or just -- do you remember where you had the meeting?

A I don't think it was in OGC, but, you know, I followed someone upstairs and we walk around, walk around, walk around, go in a conference room, so --

Q So the -- and the other person who was not a lawyer was -- did they identify where they work?

UNCLASSIFIED, COMMITTEE SENSITIVE

A He was in -- yes, he did identify where he was from.

Q Okay. And where was he from?

A Some sort of [REDACTED] --

Q Section?

A Something, yeah.

Q Okay. And that was in early February thereabouts in 2017 of this year?

A Yeah.

Q And was -- did you provide documents to the individuals?

A I did.

Q Do you have copies of those documents?

A I believe I may.

Q Have those been provided to the committee?

A I don't --

MS. RUEMMLER: If you know. If you know.

MR. SUSSMANN: I don't know.

BY [REDACTED]

Q Could you provide those to the committee?

A I can't answer.

Q Why not?

A I probably want to talk to my lawyer about just some like legal --

MS. RUEMMLER: We can follow up.

MR. SUSSMANN: -- legal issues potentially. I don't know, you know.

[REDACTED] Go ahead, sir.

MR. CONAWAY: You gave them to [REDACTED] but there's some reason you

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

cannot give them to us?

MR. SUSSMANN: Congressman, I'm just being very careful in my answers to be as forthright and truthful as I can be.

MR. CONAWAY: So the question would be, we would obviously want, at a minimum, everything you gave [REDACTED] as part of this inquiry, scrub --

MS. RUEMMLER: We'll work with the committee to get you those.

MR. SUSSMANN: Your colleague just asked me a question that I just felt it was better to not say yes or of course, just to give a more considerate response.

[12:10 p.m.]

BY [REDACTED]

Q Okay. So -- and we'll talk about getting those documents. How long was the meeting?

A Probably over 1 hour and under 2.

Q Okay. And you explained -- I would imagine when you provided the documents to the representatives [REDACTED] you -- did you explain how you obtained the documents?

A No. I mean, not specifically.

Q So they didn't ask you where you obtained them? I mean, if you're in the room and someone gives you documents, I would imagine that the question one would ask would be, well, where did you get these?

A That's true. But notwithstanding, I did not discuss it with them.

Q So there was no -- no discussion whatsoever of the source of the information you were providing?

A No. No, and in particular because -- because the information is, and should be otherwise verifiable. And so that was really the premise, that I wasn't

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

there to discuss, and I didn't discuss where the information came from, but it was information that I believed that they could verify -- I mean, they could verify the information.

Whatever conclusions could be drawn from it were not -- were not mine to make, and so I'm not commenting on that. But in terms of here's X, they would verify the information if they wanted to.

Q Okay. So you did not, during that meeting, divulge the identity of your client that provided the information?

A No.

Q And what did the representatives from [REDACTED] indicate to you as to what they were going to do with the information?

A At that meeting, they said they would review it, and there was an FBI liaison person at there, and they said they were going to -- they were going to discuss it with that person as well.

Q Okay.

A But, again, I remember making clear, at several intervals, that I was not coming with a request. I was not making a request of anything. I wasn't asking for any reporting, that I just was sharing information that they may or may not -- may or may not be useful to them or others. And I made -- I don't believe or recall making any request of them at all, and it was a similar conversation to the one I described with Mr. Baker.

Q At the time you had the meeting with the representatives of [REDACTED] in February of this year, were you still representing the Democratic National Committee as a client?

A Well, I'm going to give you an answer now, and I don't mean to be cute

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

in my answer.

Q Sure.

A But my firm represents the Democratic National Committee, our political law group. They're two floors below me and they sort of do all this stuff. I'm a cybersecurity/privacy lawyer.

So I wasn't doing work for -- I wasn't doing work for the DNC, but it wouldn't be accurate to say that I was no longer representing them. And I don't know if I'm drawing a distinction that's too fine a point.

Q No, that's fair. So let me ask you this question: When you decided to engage the two principles, one, Mr. Baker in September, and the general counsel of [REDACTED] in December, you were doing that on your own volition, based on information another client provided you. Is that correct?

A No.

Q So what was -- so did your client direct you to have those conversations?

A Yes.

Q Okay. And your client also was witting of you going to [REDACTED] in February to disclose the information that individual had provided you?

A Yes.

Q Back to the FBI. You obviously had a conversation or you had a meeting at the FBI with Mr. Baker. Was there anybody else in the room from the FBI in that room with you?

A No.

Q Did you ever meet with any -- subsequent to that meeting, did you ever meet with any other representative of the FBI concerning that information that

UNCLASSIFIED, COMMITTEE SENSITIVE

you were sharing with Mr. Baker?

A Not that I -- I mean, no. I was going to say not that I recall, but that would be a tough one to not recall.

Q So it was just you and Mr. Baker at the FBI. There was no other -- no other individuals in the room?

A Correct.

Q And did you give the same -- did you give the documents that you gave [REDACTED] in February of '17 to Mr. Baker in September of '16?

A I left documents with Mr. Baker. I just want to be careful. I don't recall if they were the same. I mean, I can't -- I don't -- I left documents with Mr. Baker. I left documents with [REDACTED] I don't know when you say they're the same, I'm not sure if they were identical or --

Q So you may have left some different documents with Mr. Baker in September that were --

A Or an update, or one -- a document may have been updated.

Q Okay. So the batch that [REDACTED] received in February was presumably different than the batch that the FBI received in September, the preceding year, generally speaking?

A Well, I just don't want to say that they're --

Q The exact same.

A -- the same.

Q And there was no FBI follow-up at all to you or your client regarding that information that you're aware of?

A No.

Q Okay. I want to ask you, so you mentioned that your client directed

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

you to have these engagements with the FBI and [REDACTED] and to disseminate the information that client provided you. Is that correct?

A Well, I apologize for the double negative. It isn't not correct, but when you say my client directed me, we had a conversation, as lawyers do with their clients, about client needs and objectives and the best course to take for a client.

And so it may have been a decision that we came to together. I mean, I don't want to imply that I was sort of directed to do something against my better judgment, or that we were in any sort of conflict, but this was -- I think it's most accurate to say it was done on behalf of my client.

Q Okay. At what time did your -- when did your client approach you with this information that you shared with the FBI and [REDACTED]

A I think I already answered that.

Q Was that prior to September of '16, or was it in the summer? Was it in June? So you said your client -- you received information in June. Is that correct? June or summer.

A I think I was directed by my lawyer to give you a season. So I think I said summer.

Q Okay, fair enough. I apologize. Did you talk to any individuals or persons that you knew were journalists or representatives of media organizations with the same information that you brought to the attention of the FBI and [REDACTED]

A No. But I think that the -- can I rephrase your question?

Q Sure.

A I did speak with people about the nature of the same -- the nature of the information. But in terms of providing the same information, the answer is no. But I don't want to give you a no to that answer and I feel like it would be

UNCLASSIFIED, COMMITTEE SENSITIVE

misleading. So I didn't provide the same information to anyone else, but I did discuss -- I did discuss the subject matter of what --

Q What you were aware of?

MS. RUEMMLER: To members of the media, just to be clear --

MR. SUSSMANN: Yes. Okay.

MS. RUEMMLER: -- because that was the question that was asked.

BY [REDACTED]

Q But you never gave those documents to any members or journalists that you knew were media individuals?

A No. I provided -- I provided documents, and I can't -- I can't say that they were the same documents or not.

Q Did you ever --

A They weren't dissimilar in any meaningful way.

Q Did you give those documents to anybody that you knew would further -- would -- that you had reason to believe would disseminate that information to the media?

A No.

Q In other words, did you give the information to a third party with the understanding that that person may provide that information?

A No.

Q So the information you had you only gave to the FBI, [REDACTED]. You never disseminated those materials to anybody. No other third party other than the FBI and [REDACTED]?

A No.

Q Okay.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

A No, no. No, mean --

Q No, meaning you did disseminate?

A Yes. And I apologize. I thought I was clear.

Q So who else did you disseminate that information to, in terms of hard copies of documents?

A Just to be clear, whether it's similar information or the exact information, I'm not clear.

Q Okay.

A But I shared that information with The New York Times --

Q Okay.

A -- The Washington Post, and a writer or reporter for Slate.

Q And what was the timeframe of those engagements with those media representatives? Was it in 2016 or was it this year, in 2017?

A 2016.

Q After the election?

A No.

Q Okay. So all of those were before the election?

A Yes.

Q Would you be willing to tell us who you met with at The New York Times?

MS. RUEMMLER: I think you can answer that. Just be precise whether it's meeting or by phone or --

MR. SUSSMANN: So it was Eric Lichtblau (ph) with The New York Times.

BY [REDACTED]

Q And who did you -- were there others?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

A No.

Q Who did you meet with at The Washington Post?

A Ellen Nakashima.

Q And Slate?

A Frank Foer, F-o-e-r, F-e-o-r. Franklin.

Q Were you aware -- are you aware that the information you provided actually made its way into written articles that were published as a result of the information you shared?

MS. RUEMMLER: If you know.

MR. SUSSMANN: Yes.

BY [REDACTED]

Q And what are the dates of those articles, to the best of your knowledge?

A So the Slate article was the end of October, early November; and the Times made a passing reference to it around that time as well.

Q Late October, early November?

A Uh-huh.

Q And that information, to the best of your knowledge, that was reported in those publications, was of the same flavor or generally similar to the information you conveyed to the FBI and [REDACTED]

A Yes.

[REDACTED] Sir, do you have any more questions on this? I'm going to go through a couple.

MR. CONAWAY: So who came first, the FBI, then the journalists, or the journalists, the FBI, [REDACTED]? What was the pecking order?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

MR. SUSSMANN: Journalists, FBI. Well, they're sort of mixed. Journalists and FBI are mixed and then [REDACTED].

MR. CONAWAY: All right, thanks.

[REDACTED] Should I just keep going?

MR. SCHIFF: Yes.

MR. MCQUAID: Is it okay to take a break?

MR. CONAWAY: Sure.

[Recess.]

[REDACTED] Thank you. We'll go back on the record. Again, [REDACTED] here.

BY [REDACTED]

Q The conversations you had with the journalists, the --

A Oh, excuse me. I did not recall a sort of minor conversation that I had with Mr. Baker, which I don't think it was necessarily related to the question you asked me, but I just wanted to tell you about a phone call that I had with him 2 days after I met with him, just because I had forgotten it.

When I met with him, I shared with him this information, and I told him that there was also a news organization that has or had the information. And he called me 2 days later on my mobile phone and asked me for the name of the journalist or publication, because the Bureau was going to ask the public -- was going to ask the journalist or the publication to hold their story and not publish it, and said that like it was urgent and the request came from the top of the Bureau. So anyway, it was, you know, a 5-minute, if that, phone conversation just for that purpose.

Q That's good to know. Was that information the same information that

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

you talked to Mr. Baker about?

A Yes.

Q Okay. So the FBI then -- so, at some point, the FBI was very concerned about that actually appearing in the New York Times. Is that correct?

A Yes, yes. My understanding is they --

Q Did he explain why they were so concerned?

A No. He just didn't want -- just didn't want it to be revealed publicly.

Q Okay. But then again -- but you never had any follow-on meetings with any other --

A No.

Q -- representatives of the FBI?

A No. That was my last conversation with Mr. Baker about that topic.

Q And that call that you had regarding the impending news article was --

A It was 2 days -- it was 2 days later. And my understanding of -- from Mr. Baker of the timing was that I met with him in the course of an otherwise busy day, and he didn't have a chance -- that someone had just looked at -- just gotten to wherever I got to, and sort of got back to him, and said it was an urgent call.

Q Okay. The conversations you had with the journalists, the conversations you had with [REDACTED] the general counsel, who I believe was [REDACTED]. Is that correct?

A Uh-huh.

Q And then the representatives of [REDACTED] a few months later, and then including the September meeting with Mr. Baker, did you discuss anything else outside of the documents that you were sharing? Were there any other -- is there any other information that you discussed with them relative to Russia, the

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Trump campaign, the Clinton campaign, the election? Was there any other information that was --

A Other than chitchat, nothing that I can recall.

Q Okay. Okay. Real quick, I just want to finish up on one area here before I go on to my next set of questions, and that is the February meeting that you had with [REDACTED]. So when you had a phone call with the general counsel in December, I think you said that there was no resolution, you just had conveyed the information that you had at your disposal over a phone. And was there a promise for a follow-on meeting by her, or did you kind of -- was it just kind of left open-ended?

A A little of both. When I -- my first conversation with her, she said, you know, like I don't know, some version of yes, we're -- yes, we're interested. We're doing this review and I'll speak to someone here, and someone will get back to you to arrange a meeting. Something -- you know, something of that nature.

And then I think this was -- I think this was December. Maybe it was getting even close to the holidays. And I think I heard back the following week that -- [REDACTED] and the last I heard was that the FBI would be contacting me.

Q And they never did, though, right?

A No.

Q Okay. So when you went back to [REDACTED] -- or when you went to [REDACTED] in February --

A Yeah.

Q -- how did that meeting get arranged? Did you call back and schedule that with somebody, or did they reach out to you to schedule the

UNCLASSIFIED, COMMITTEE SENSITIVE

meeting?

A No. I was in another client meeting, completely unrelated. And I was meeting with someone who had a -- had some relationship with [redacted] perhaps had worked there in the past. And I guess I relayed this information or the lack of interest in this information, whatever it may be.

And then he said, oh, I know people who would be interested in hearing this. I know people who sort of, you know, do this work and they're in the business of -- [redacted]. They're in the business of collecting things. They evaluate. They do what they want to do, but, you know -- so it was nothing more exciting than that.

Q Okay. Back to your client. I know you can't divulge the name of your client. I asked you whether you -- whether that client was Glenn Simpson, Peter Fritsch, or Thomas Kattan (ph), which you confirmed that it was none of those individuals. Was your client Fusion GPS or Bean LLC?

A So my client was not Fusion GPS. And I have never heard of Bean LLC.

Q Okay.

A Which also, I think, allows me to say it was not Bean LLC. I don't know Bean LLC.

Q Fair enough. Okay. Actually, kind of a segue, because I want to talk a little bit about Fusion GPS. Christopher Steele, are you familiar with him? I mean, I'm sure you've read about him in the newspaper.

A Yes, sir.

Q Did you ever meet with Christopher Steele in 2016?

A Yes.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Q And when did you meet with him?

A Give or take a week or so in either direction, probably the -- well, probably in -- probably in early August, but I don't recall specifically.

Q Was that the first time you had met with Mr. Steele?

A Yes.

Q Had you ever met with Mr. Steele prior to that --

A No.

Q -- on any other occasion?

A No.

Q And how did that interaction with Mr. Steele occur in August, on or about August of 2016?

A My partner, Marc Elias, told me that this guy was coming in and a little bit of -- sort of -- I guess was coming to Washington. And he asked me if I would meet with him and sort of vet him. Just meet with him and -- I have a security clearance. I've been over to GCHQ. Like just meet with him and sort of size up this guy and vet him. So that was the purpose of -- that was the purpose of my meeting. I met with him, and it was --

Q What did you talk about?

MS. RUEMMLER: As stated, I think that question calls for information protected by the attorney-client and or work product privileges. I'll instruct him not to answer.

BY [REDACTED]

Q Was your client -- the client that gave you the information that you shared with the FBI and [REDACTED] --

MR. CONAWAY: I'm a CPA, not a lawyer. So Steele comes to you. Is

UNCLASSIFIED, COMMITTEE SENSITIVE

Steele your client?

MR. SUSSMANN: No.

MR. CONAWAY: So how do you invoke attorney-client privilege for a guy who's not your client?

MS. RUEMMLER: So Mr. Steele was a subcontractor for Fusion GPS, which had been retained --

MR. CONAWAY: I know what the answer is. I need you to talk into the microphone so she can record it.

MS. RUEMMLER: Oh, I'm sorry. It's such an intimate room in here, I forgot that we need to speak into the microphone.

Fusion GPS was retained by Perkins Coie on behalf of the DNC and Hillary for America, the Clinton campaign, for the purpose of assisting as a consultant to another Perkins partner, Mr. Elias, who was here last week. And that relationship between Perkins Coie and Fusion GPS is protected by the attorney-client and work product privileges.

MR. CONAWAY: So Mr. Steele is an employee of Fusion GPS as well?

MS. RUEMMLER: Our understanding is that he was a subcontractor of Fusion GPS. So that was part of the consultant -- consultancy for which Perkins Coie retained Fusion GPS on behalf of the DNC and the Clinton campaign.

MR. CONAWAY: So Mr. Elias asked you to vet Mr. Steele specifically for his work at Fusion GPS, so that you were, in effect, working for one client umbrella?

MR. SUSSMANN: I didn't hear.

MR. CONAWAY: It was under one client umbrella, Fusion GPS and Christopher Steele.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

MR. SUSSMANN: I believe so. I think -- my counsel can tell you about sort of the umbrella of who's representing who, but you are correct, Congressman, that --

MR. CONAWAY: But you'd be the one --

MR. SUSSMANN: Mr. Elias asked me if I would meet with Mr. Steele, who until that moment I had never heard of before in my life, and said he's coming in and would you vet this guy? So I interviewed him.

MR. CONAWAY: Did you meet with him since?

MR. SUSSMANN: No, or not that I recall.

BY [REDACTED]

Q When you vetted him, you said you sat in a room. Where did you guys meet?

A In a conference room in our office.

Q Law firm?

A Yeah.

Q You may invoke the privilege here. I'm going to ask the question.

MS. RUEMMLER: We're trying to be as judicious with the objections as possible.

BY [REDACTED]

Q When you say vet, tell me what you mean by that.

A This guy -- well, what I mean by vet is, in a general -- in general, the way that you or I or other people would meet with someone and assess their experience, credibility, demeanor, and make all of those assessments regarding honesty, integrity, experience, intelligence. I mean, not unlike in an interview. But that's what I was doing.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

Q When you went in to vet him in this meeting in August, did you have work product that was provided by him --

A No.

Q -- that you had reviewed prior to the meeting?

A No.

Q So you'd never met him. Had you done any research on him?

A No.

Q This was just essentially like a cold meeting, for lack of a better word?

A Yeah. I found out about the meeting in the approximately hour before it happened.

Q Okay. Who else was in that meeting other than you and Mr. Steele?

A If I recall correctly, two Fusion GPS guys.

Q And who were they?

A It was the Glenn guy, the tall guy. I don't recall his last name.

Samp --

Q Simpson?

A Simpson. And I think the Peter guy.

Q Peter Fritsch, okay. And was Mr. Elias in the meeting, too?

A No.

Q Did Mr. Steele provide you anything at that meeting?

A Well, not as you indicate by your gesture.

Q Documents. Did he give you documents?

A No, he did not. He provided his thoughts.

Q Did the conversation pertain to things that relate to what is now called the Trump dossier?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

MS. RUEMMLER: I think, as stated, I'm going to instruct the witness not to answer. I think that invokes the privilege. And the line that I'm trying to draw is around the sort of content of -- the content and communications in the meeting.

██████████ Okay. And that privilege is being asserted by Fusion or Perkins?

MS. RUEMMLER: No, it is asserted by Perkins on behalf of its clients, the DNC and Hillary for America. And to be clear for the record, I am counsel to the law firm of Perkins Coie and its partners, so --

By ██████████

Q So, obviously, you will not answer the question as to whether or not the dossier was the subject of your meeting or any information was shared by them. So you've answered that. You've asserted a privilege.

Was there anything else that was discussed that didn't relate to them concerning the dossier?

MS. RUEMMLER: Again, as stated, I'm going to instruct the witness not to answer. I think that calls for privileged information.

BY ██████████

Q Was there any -- was there any promises to do anything as a result of that meeting, either by Mr. Steele or by you?

A No.

Q Were you aware of any further actions that were going to be taken by Mr. Steele or his representatives from Fusion GPS?

A No. And, to be clear, all I knew was that this guy Mr. Steele -- or what I thought I knew, it may or may not be so -- was being considered for some sort of either engagement or project or something that for which my vetting someone

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

cared what I had to say about my impressions of him as an individual. But I didn't know more and I didn't ask more.

Q Did you have any belief that he was there because he was presumably doing opposition research?

A Well, I think that's a little too specific. If he had -- I mean, I don't know. I'm not trying to be cute. If he had information, I don't know if he was like researching things or he was, like, Here's what I know from what I've -- I mean, I think the point was he would have useful information. I don't know if it was coming from research or what source, but yeah.

Q Did you know in your mind, as you best recollect, that when you walked in the meeting that this individual named Mr. Steele was doing opposition research for the Democratic National Committee?

A No. And in particular, because I didn't know -- I absolutely did not know at that point if he was engaged by someone, or if this was like, oh, maybe this is someone we will engage with. I didn't know. I didn't know.

Q Okay.

A I was --

Q So let's go forward. Did you have any other engagements with Mr. Steele after this August engagement?

A Not that I recall.

Q No phone calls, no meetings?

A No.

Q You mentioned Mr. Simpson, who was in this meeting in August.

A The Glenn guy.

Q Yes, Glenn Simpson.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

A Right.

Q And you said Peter Fritsch was in there, right --

A Yes.

Q -- to the best of your understanding?

A Yes.

Q Had you ever met those two individuals before?

A I think I had. And the reason I say I think I had is I had met them on another occasion. The sequencing is -- it's just hard for me to recall if I met with them before that meeting or after that meeting. I think I might have -- I might have met with them once before.

Q And obviously in this instance, you were counsel, partner to Perkins Coie, right?

A Yes.

Q And your law firm had retained Mr. Simpson's firm. Is that right?

A I don't know.

MS. RUEMMLER: If you know.

BY [REDACTED]

Q If you know.

A I believe that to be the case, but --

Q So did you know that in August of 2016 that the firm that you were a partner of had retained Mr. Simpson's firm for work that was done on behalf of the Democratic National Committee?

A I knew that we had retained Mr. Simpson's firm. I don't recall what, if anything, I knew about the engagement in approximately August 2016.

Q Okay. So, to the best of your recollection, when you walked in the

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

room in August of '16, you did or did not know that Mr. Steele was a subcontractor, if you will, of Fusion GPS and that Fusion was a client of your law firm?

A So, yes and no, or no and yes. I don't think -- I don't think at that time I knew that Mr. Steele was engaged by anyone. Again, I was -- it was a vetting meeting. So I don't think I knew that anyone was engaged with him. I thought maybe people were considering engaging him. But I was vetting him. I believe I knew at the time that Fusion GPS was retained by our firm.

Q Okay. You know, when you say vetting, I'm going to use the term that I'm familiar with in vetting is you're trying to understand -- let's say you're vetting an individual. I want to know is this person authentic, is he or she someone I can trust, believe. Is this person who they say they are. Will they do what they claim they can do. Do I believe, do I have trust, is my impression of them commensurate with what I understand the facts to be. That's what I understand vetting to be.

A You and I are thinking along the same lines.

Q So if you are vetting somebody, you're generally doing it because you think there's going to be a subsequent action by the individual whom you're vetting. You're either going to hire that individual or you're going to ask that individual to do something for you. That individual is presumably going to take some subsequent action, whatever that action may be.

Was that your understanding of what you were doing when you were vetting this individual named Mr. Steele, that he was going to take some subsequent action?

A No, I don't know that he was -- I'm going to answer your question and I'll give you some context that may be helpful. I don't know that he -- I didn't know

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

at the time that he was going to take any subsequent action, because he was a very knowledgeable guy from spending a decade at being in British intelligence. So he may have just been relaying things that he already knew. I don't know.

My belief was that he was going to be engaged for something. But just to put this in context, and I don't mean to appear sort of callous or disinterested, but I was consumed by the Russian hacking and the hacking of the DCCC and the hacking of all these other places.

And this thing was an annoyance to me. And not because of the nature of what was going on, but the Russian, the hacking, and the docs'ing, the release of documents in the aftermath was -- was all-consuming.

And I'd just like to make one comment off the record, if that's okay.

[Discussion off the record.]

MR. SUSSMANN: So I was working near round the clock. So the can you come down or can you come and talk to someone who is coming in was time out of my day to be helpful to someone, but I don't want to appear disinterested when I say I don't really know -- like I don't know what he was doing, I don't know this or that.

I do national security work. I do cybersecurity work. I know the British and other things. Like I had -- I'm not saying I'm a genius, but I had more of a basis to meet and assess someone than others. And I didn't mind doing it, but I just wasn't --

BY [REDACTED]

Q Basically, what you're saying is you didn't really know why you were vetting him, you were just vetting him. Is that what you're saying?

A Well, I knew there was some consideration of working with him.

UNCLASSIFIED, COMMITTEE SENSITIVE

Q Okay. Mr. Elias was going to work with him?

A Presumably.

Q And did he tell you what the purpose of that work would be?

A No, not specifically.

Q And how long did the meeting last with --

A Roughly 2 hours.

Q All right. And then I think you already said this. You had no further contact with Steele or Mr. Simpson, Mr. Kattan (ph) or Mr. Fritsch since that August meeting?

A No. So if I can break that apart.

Q Okay.

A With Mr. Steele, I don't recall ever seeing, meeting, having anything to do with him again. With the two Fusion GPS guys, I probably met with them a total of three times. So --

Q Between August and --

A In the August timeframe, or in a short period of time.

Q Okay. Did you meet with them in September, to the best of your recollection?

A My recollection, which is not precise, is that I did not meet with them after August -- after August of 2016. So I think that's the timeframe.

Q Did you have any further other communications with them, including telephonic or email, electronic communications with Mr. Simpson, Mr. Fritsch, or Mr. Kattan (ph) from August 2016 to the present?

A So, again, I don't know Mr. Kattan (ph).

Q Yes okay.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

A Mr. Simpson, no. Mr. Fritsch, I don't recall.

Q Okay. The Trump dossier, I'll use that term because I think that's what's --

A Sure.

Q -- in the media and in the parlance. Have you ever seen the Trump dossier, if you will?

A So what I've seen is I read part of the document that BuzzFeed posted, which I think is what you referred to about it.

Q That's right.

A So I read, I remember reading part of it when BuzzFeed posted it.

Q Had you ever seen that document that you read on BuzzFeed or any portion thereof or anything that was --

A No.

Q -- prior to that?

A No.

Q So that was the first time you had seen what was then called the Trump dossier?

A Correct.

Q Were you aware that such a document had existed prior to the election?

A I don't think so.

Q No recollection whatsoever?

A No. I mean, if by the Trump dossier, this --

Q Let me rephrase it. Maybe make -- I'll try and be more precise.

A Yeah.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

Q Were you aware of any document that Mr. Steele had created or was creating prior to the election that contained information that is now in the Trump dossier that was published in BuzzFeed in January of this year? Did you have any understanding of that information or were you aware that it existed?

A My answer is no, but, as I mentioned, I haven't read all of the dossier. But no, I had not seen anything written by Mr. Steele prior to having seen the thing on BuzzFeed.

Q So any of the allegations that are contained in that document that is now public based on the BuzzFeed disclosure, you were not aware of any of those allegations in the summer of '16, the fall of '16, or any time in 2016?

A So that's a different question.

MR. MCQUAID: You're asking about a thing he just said he didn't see, he didn't see, so --

BY [REDACTED]

Q So you didn't see the document, but were you aware that Mr. Steele had investigated things that -- that essentially brought forth those allegations that he then put into a document? I mean, you obviously vetted him. So at that time, were you aware that he was investigating these things?

A So it may have been the case -- I think he's asking about whether -- or he could be asking me about things that I discussed in that one meeting.

MS. RUEMMLER: Right. And that's why I'm just going to admonish you not to talk about any of the content. But I think that the question, as I understood it, is at the time that you went into the meeting to vet Mr. Steele, were you aware that he was investigating some of the matters that ended up being published in the document --

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

[REDACTED] In the document.

MS. RUEMMLER: -- in the document that was published in BuzzFeed. Is that fair?

[REDACTED] Yes. Thank you.

MR. SUSSMANN: And can I answer that?

MS. RUEMMLER: Yes.

A Yes.

BY [REDACTED]

Q And how did you know that information?

MS. RUEMMLER: That calls for potentially privileged information, so I'm going to instruct him not to answer.

BY [REDACTED]

Q I'll finish up with Steele and move on to my last line of questions that

[REDACTED] has put forward here, and that is -- I think you've answered this, but I'm just going to ask it. Did you play any role in retaining the services of Fusion GPS on behalf of the DNC?

A None whatsoever.

Q So that was not in your portfolio?

A Nope.

Q I believe our investigation has yielded information that there was a meeting at your law firm, at Perkins Coie sometime in late September or early October 2016. Are you aware of such a meeting in which Mr. Steele and Fusion were a party to?

A Am I aware that there was a meeting?

Q Yes. So we have information that indicates that there was a meeting

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

at your law firm sometime in late September or early October with Mr. Steele and/or Fusion GPS.

A I'm not aware of the meeting.

Q So you know nothing about it? Did you ever attend a subsequent meeting with Mr. Steele or Fusion in October or September?

A I don't recall having met with him again.

Q Okay. All right. So no recollection whatsoever?

A No. And I've discussed this with my counsel as well. I don't -- I don't believe -- I believe that my one meeting with him was the only meeting with him.

Q Okay. If you went back and looked at your calendar and refreshed your recollection, would you share that information with us separately? Is that possible to get that information? Could counsel provide that to us?

A Well, what I would share with you is, if I met with him again, I'd be happy to tell you that I did.

Q Yes.

A And just for some background that might be helpful to you.

Q Sure.

A When we began the interview this morning, I sort of discussed my background. I've been at the firm for 12 years, and I do privacy and cybersecurity work. I was at the Department of Justice for 12 years before. I was a computer crime prosecutor for most of that time.

So I'm on the sixth floor at our firm. There are all sorts of -- law firms, there are all sorts of -- environmental group, people everywhere. On the fourth floor are the political law people.

And because of the computer -- the intrusion, which was the main thing that

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

I was doing, and intrusions of other people, I was working like crazy on the intrusions. And I was going down to the fourth floor frequently. Oh, you can imagine, intrusion-related, this happened. Someone's making a question about that. Or when documents were being released on a daily basis, this is being released. There were just a million issues.

So I saw many, many clients and many, many people. I don't recall ever participating in another meeting with Mr. Steele. It's very hard for me to say I never saw him again. I just -- I don't have a recollection of it.

Q Okay.

A But I'm really not trying to hide the ball on some -- like some other meeting. And I can tell by your questions that you may believe that I did participate in a meeting, and if I have -- if I have anything to indicate that I did, I'd be happy to share it, or if I determine otherwise I certainly will let you know. I just really don't --

MS. RUEMMLER: And just you shouldn't infer by any of his questions that he does have separate information. And what -- we obviously, [REDACTED] will follow up and see. But we anticipated that you would ask some questions along those lines, so we did do our best to try to ensure that information that might be available to refresh his recollection about specific meetings was made available to him. But we'll follow up.

[REDACTED] I very much appreciate that. I'm going to follow up with some real quick questions and I think we'll be done unless, sir, you have any follow-up.

[REDACTED] I don't have any follow-up.

BY [REDACTED]

UNCLASSIFIED, COMMITTEE SENSITIVE

UNCLASSIFIED, COMMITTEE SENSITIVE

Q If my colleague had asked this prior, I apologize, but I'm just going to ask you just because I don't know if he did.

Do you know a gentleman by the name of Bruce Ohr, O-h-r?

A I do.

Q And how do you know him?

A I worked at the Department of Justice from 2000 -- excuse me, from 1993 to 2005. And during some of that time, he was the chief of the organized crime and racketeering section. And there would be times I would be at the main Department of Justice building, and I don't know, you sort of get to -- you know who section chiefs are. And I think at a later point, I moved to what's now called the Keeny (ph) Building. I think organized crime was in our building. And so I saw him on the elevator. That's it.

Q Did you ever speak -- when is the last time you spoke with Mr. Ohr?

A I don't recall, but it would have been before I joined my law firm. So it would be sometime prior to 2005. But when you say spoke with him, I've -- I don't believe I've ever said anything ever in my life to him more detailed than how are you and how's the weather.

Q And you've had no electronic, email communications, or telephone conversations with him since that time, as you can best recollect?

A Not that I recall.

Q And so you didn't -- and you had no meetings or dealings or interactions with him in 2016?

A [No verbal response.]

MS. RUEMMELER: You have to say something for the record.

MR. SUSSMANN: Sorry.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

MS. RUEMMLER: She can't record a shake of --

MR. SUSSMANN: Absolutely not, no.

BY [REDACTED]

Q And do you know his wife, Nellie Ohr?

A I didn't even know he was married.

Q Okay. Do you know or have you ever met Special Agent Pete Strzok of the FBI?

A Not to my knowledge.

Q And have you ever met or know FBI OGC lawyer Lisa Page?

A Yes, to the extent that I was in a meeting with her once a couple of years ago.

Q Okay. Not in 2016?

A No. In probably 2014 or '15.

Q And you had no email or telephone conversations with her?

A No. I had a matter involving another client. It had nothing to do with anything you could imagine. And I just recall that she was there, because when I saw the news stories I was like, oh, I remember, you know, I was in a meeting with that person once.

[REDACTED] Yes, sir.

MR. CONAWAY: So getting to the actual questions we were supposed to answer, other than the information you shared with the FBI, the journalists, and [REDACTED], can you share with us any information you have about collusion, conspiracy, coordination between the Russians and either of the campaigns, the Trump campaign or the -- and I say that writ large, or the Clinton campaign writ large, that's not just general public knowledge?

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

A The only other body of information that I have, which I may have discussed briefly, was during the campaign, I was a recipient of all sorts of kinds of threats and allegations that I passed along to the Bureau. And I could never -- I was not in a position to discern the real from the imagined. So --

MR. CONAWAY: So when you say "threats," threats to you?

MR. SUSSMANN: No. No, no, no. No, just suspicious activity, threats to people, suspicions that people had about Russians or others. And I don't have an assessment myself as to whether these things mattered or not. But other than that general area, I can't think of an area of alleged or purported collusion that we've not covered.

MR. CONAWAY: All right. Thank you.

BY [REDACTED]

Q Just one last follow-up question here. I know you told me you didn't know -- you knew Bruce Ohr many years ago and you don't know his wife.

Have you had any other contact with members of the Department of Justice, and excluding the FBI because I think you've already told me you've never met with anyone from the FBI, since the launch of the investigation, the Russia investigation, which -- since last year?

A Sure. Yes.

Q Who have you spoken with?

A You know, I've spoken with various people about various client matters.

Q Okay. Is it the same conversations that you had with the Agency and the FBI --

A Absolutely, no. No.

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

UNCLASSIFIED, COMMITTEE SENSITIVE

Q So on different matters?

A No, you just asked a fairly general question about have I spoken to anyone at the Department, and --

Q I'm only interested in relating to the --

A No.

Q -- scope of what we're interested in. I know you --

A No.

Q -- may have talked to members of the -- members of the Department on many matters related to your representation of clients, but relative to the Russia investigation or things that you believe to be part of the Russia investigation. So matters that, for example, the same or similar matters that you had conversations with the FBI general counsel and [REDACTED] general counsel about, have you had any of those kind of conversations with --

A No, but I have had conversations that I can recall or not recall with members, former colleagues of mine at the Department of Justice about public information about what's going on in the country that involves -- it's very hard in Washington, or probably in any other city, to not discuss current politics, which -- some of which involve the aftermath of the election. So I can't say -- I apologize for the double negative. I can't say that I have not discussed with anyone in the Department any of these -- any of these myriad of stories that have been reported, are being reported in the media.

[REDACTED] Okay. Do you have anything else?

MR. CONAWAY: We're good. All right.

[REDACTED] Thank you very much.

[Whereupon, at 1:11 p.m., the interview was concluded.]

UNCLASSIFIED, COMMITTEE SENSITIVE

PROPERTY OF THE UNITED STATES HOUSE OF REPRESENTATIVES

